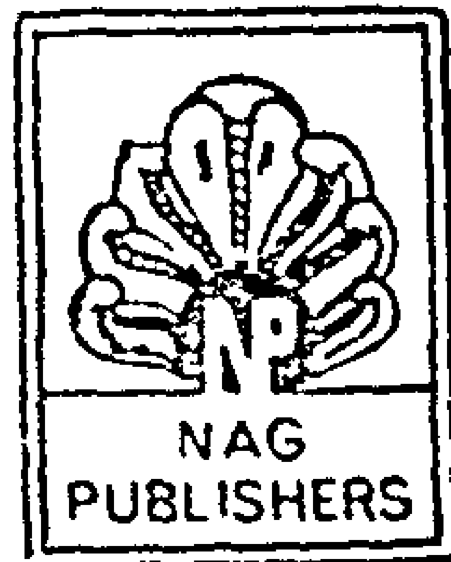


ANCIENT INDIA ACCORDING TO MANU

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DEDICATED

TO

THE SACRED MEMORY

OF

MY REVERED BROTHER-IN-LAW

LATE DR. K.D. SHARMA

(SCIENTIST, C.S.I.R.)

FOREWORD

Several books have been written on Manu, but still there is dearth of studies useful from the point of view of students and general readers. In the present work Dr. R.N. Sharma, who is a competent Sanskritist, has analysed the contents of the law-book of Manu with great care and judiciousness. He has discussed almost all aspects of life as reflected in the smṛti which commanded great respect and authority in this country for centuries, and is still an indispensable guide to the understanding of the ancient Indian social order. I congratulate Dr. Sharma on having produced such a lucid and systematic exposition of Manu, and whole heartedly commend his book to students of ancient Indian civilization.

Department of History,
Delhi University, Delhi.
4th April, 1980.

R.S. Sharma

PREFACE

The vast literature, in the form of Smṛtis, occupies a prominent place in the gamut of the classical literature. The Smṛtis are the compendia systematically epitomising the material contained in the Gṛhya and Dharma sūtras. They are more intelligible to the populi because they are composed in lucid style and are not abtruse in character like the sūtra texts. They mark a vast improvement in scope contents, and treatments on the Dharmasūtras. They, like any other text, are the great reflectors of the life of the people of their period and this is perfectly natural. Literature or whatever kind it be, cannot be isolated from the life of the people.

The Manusmṛti stands at the top of the Smṛti literature, unrivalled and unsurpassed by any sister work. It received a reverence which was second only to that which was accorded to the Vedas. It has always been a work of universal authority. It also became the chief authority in Hindu jurisprudence. It has served as a varitable store-house of information for the social, cultural, political and religious life of the people. It contains the very essence of the later Hinduism. So its study helps in the proper understanding of the Indian culture.

In the present work an attempt has been made to study afresh the main features of the Indian society in the times of Manu. Dr. G.R. Sharma observes, "The period represented by Manu, was a crucial epoch in ancient Indian history. It saw significant social and economic developments, remarkable religious efflorescence, and a political kaleidoscope characterised by the foreign invasions and the settlement of the foreigners as a dominant section of the ruling aristocracy, which exercised a considerable impact on the existing social order. In fact the period holds the key to the understanding of the entire earlier and subsequent social history of India." The Manusmṛti was formulated partly under the impact of the contemporary conditions, a system of norms and values of

life, which remained closely connected with the efforts to regulate Indian society for centuries to come.[1]

Indian society in the days of Manu on account of its elasticity vigour and adaptability stood the test of external pressures and retained its distinctive character[2] even in trying political and economic situations.

Commendable attemps have already been made to draw a picture of the society on the basis of the materials collected from the Manusmṛti. K.V. Rangaswami Aiyanger's Aspects of social and political system of Manusmriti and Social aspects of Hindu view of life according to Dharmaśāstras, Kane's History of the Dharmaśāstras, S C. Bhattacharya's Some aspects of Indian Society, Ketkar's History of caste in India, L Thakur's, Pramukha Smṛtiyon Kā Adhyayana, R K Gupta's Political Thought in the Smṛti literature, Patwardhan's Manuwāda or Hindu socialistic democracy, Kewal Motwani's Manu a study in Hindu social theory and Manu Dharmaśāstra, E W Hopkin's The mutual relations of the four castes, K P Jayaswal's Manu and Yājñavalkya, Chitra Tiwari's Śūdras in Manu etc , are some of the important examples. Besides, there are a large number of works on caste system, economic social life, polity, ethics, morals, and religion. Despite the existence of these works, it is strage that no work presents a complete picture of Manu's Ancient India. This prompted us to undertake this venture.

Our primary source is the Manusmṛti but help is also sought from the Smrtis of Yājñavalkya, Nārada, Bṛhaspati and some portions of the Mahābhārata The Arthaśāstra of Kautilya, the Mahābhāsya of Patañjali, the Kāmasūtra of Vātsyayāna and the Saṁhitā of Caraka and Suśruta offer valuable information to supplement our study. In order to reach at a safe conclusion, we also later recourse to Buddhist text like the Nikāyas, the Jātakas, the Milindapañha etc. Certain inscriptions of the period are also helpful as their information is more factual, accurate and trustworthy.

My indebtedness to those oriental scholars, Western and

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1. Bhattacharya (S C) : Some aspects of Indian Society, 1978, Foreword
2 Ibid , Preface

Indian whose works have inspired me, is immense. But for the results of the investigation made by them, it would have been quite impossible for me to collect material and to write this monograph. To justice Phear's "Glimpses of old India as seen through the pages of Manusmṛti" I owe a deep obligation which I hereby acknowledge for writing some of the chapters of this work. It is my sacred duty to remember and express my sincere gratitute to my revered Guru, the late Dr. Dev Raj Chanana, M.A., D.Litt., (Paris) whose profound learning inspired and initiated me in the field of reseach.

Words cannot express my gratitude to Prof. R.S. Sharma, Department of History, Delhi University, Delhi, who has very kindly added to the value of this book by writing a foreword.

I am highly beholden to my teachers Prof. Satya Vrat Shastri M.A., PH. D. (Benaras), and Dr. R.V. Joshi, M.A., PH.D. (Benaras) D. Litt. (Paris), for encouraging and showing unreserved interest in my endeavour. My thanks are due to Dr. B.M. Chaturvedi, Head of the Sanskrit Department, University of Delhi, Delhi, for giving constructive suggestions from time to time. I am also grateful to my friends Drs. Puspendra Kumar Sharma, Vachaspati Upadhayaya, Raghunath Sharma and B.R. Sharma for their help in the making of this work.

Shri Nag Sharan Singh, Propritor of Nag Publishers has always been extremely co-operative for which I thank him most earnestly.

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4th April, 1980.

ABBREVIATION

Āp. Dh. S.	Āpastamba Dharma sūtra
Āp. Ś.S.	Āpastamba Śrautasūtra
AŚ	Arthaśāstra
Āśv. G.S.	Āśvalāyana Gṛhyasūtra
A.V.	Atharvaveda Saṁhitā
Baud. Dh.S.	Baudhāyana Dharmasūtra
Bau. G.S.	Baudhāyana Gṛhyasūtra
Bau. Pitṛ.	Baudhāyana Pitṛmedhasūtra
Bau. Ś.S.	Baudhāyana Śrautasūtra
Bṛh. or Bṛ. Up.	Bṛhadāraṇyakopaniṣad
Bhār. Ś.S.	Bhāradvāja Śrautasūtra
Gautama or Gaut.	Gautama Dharmasūtra
Gobhila or Gobh. G.S.	Gobhila Gṛhyasūtra
Ch. or Chā. Up.	Chāndogya Upaniṣad
H.D.S.	History of Dharmaśāstra
Hir. G.S,	Hiraṇyakeśin Gṛhyasūtra
IHQ.	Indian Historical Quarterly
JAOS.	Journal of the American Oriental Society
Lāṭ. Ś.S.	Lāṭyāyana Śrautasūtra
Manu.	Manusmṛti
Mabh. or Mahābh.	Mahābhārata
Pār. G.S.	Pāraskara Gṛhyasūtra
R.V. or Ṛgveda	Ṛgveda Saṁhitā
Śat. Bṛ.	Śatapatha Brāhmaṇa
Śāṅ. Śāṅkh. G.S.	Śāṅkhāyana Gṛhyasūtra
S.B.E.	Sacred Book of the East Series
Śveta. Up.	Śvetasvatara Upaniṣad
Taṇ. Br.	Taṇḍya Brāhmaṇa
Tai. Ār.	Taittirīya Āraṇyaka
Tai. Br.	Taittirīya Brāhmaṇa
Tai. S. or Tai. Saṁ.	Taittirīya Saṁhitā
Vas. Vas. Dh.S.	Vasiṣṭha Dharmasūtra
Vaikh. G.S.	Vaikhānasa Gṛhyasūtra
Yāj.	Yājñavalkya Smṛti

CONTENTS

1

Introduction

The Vedas and the Kalpasūtras:

The Vedas are the oldest documents of Hindu culture. Indian tradition believes in the eternity of the Vedas. Their knowledge was transmitted to the sages when they were absorbed in contemplation. They are called Śruti[1] as they are direct revelations. The study of these sacred revelations bestows on the man happiness in this life and bliss in the life hereafter.[2] So their study is enjoined upon every twice-born by the ancient thinkers.[3] The knowledge of the Śrutis could be had only through the study of the Vedāṅgas which are six in number; one of the most important Vedāṅgas is Kalpa Sūtra. It consists of three parts: Śrauta, Gṛhya and Dharma. The Vedic rites form the subject matter of the Śrauta-Sūtras.[4]

The Gṛhya-sūtras deal with numerous ceremonies applicable to the domestic life of a man and his family from birth to death. The performance of the Gṛhya rituals requires only the domestic fire (āvasathya) and not the three fires, Tretāgnī, required for a Śrauta sacrifice. It describes nearly forty consecrations (Saṁskāras) which are to be performed at different periods of a man's life, beginning with garbhādhāna and ending with antyeṣṭi.[5]

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1. Manu. 2, 19
2. Ibid., 12, 99-102
3. Ibid , 1, 87-90
4. Ramgopal: India of Vedic Kalpasūtras, p. 2; The Cultural Heritage of India, Vol, II. p. 331: Sharma (R.N.): Culture and Civilization as revealed in the Śrauta-sūtras p. 1.
5. The Cultural Heritage of India, Vol. II, p. 301; Ramgopal, op. cit. pp. 2-7.

The Dharma-sūtras, directly connected with the Gṛhya-sūtras and dealing with dharma, which means right, duty, law, religion, custom and usage, form the third book of the Kalpa-sūtra. Therefore they deal with both secular and religious laws.[1] Many of them are supplementary texts to the Śrauta and Gṛhya-sūtras and originated in the Vedic schools. Some Dharma-sūtras presuppose the existence of the Gṛhya sūtras of the Caraṇa to which they belong. But all sūtra caraṇas do not have the Dharma-sūtras belonging to them. For example, there is no Dharma-sūtra completing the Mānava Śrauta and Gṛhya-sūtras. It is only in the case of the Āpastamba, Hiranyakeśin and Baudhāyana Sūtra-caranas that we have a complete Kalpa tradition. It can be said that although originally all sūtra caraṇasmight not have possessed Dharma-sūtras composed by the founder of the caraṇa or ascribed to him, yet gradually certain Dharmasūtras were specially taken over or appropriated by certain caraṇas.[2]

The Gṛhya Sūtras sometimes also deal with rights, duties and responsibilities but the Dharma-Sūtras very rarely describe the rituals of domestic life. They merely touch upon them their scope is wider and more ambitious. Their principal purpose is to dilate upon the rules of conduct, law and customs.[3]

The Dharmasūtras and the Dharmśāstras:

The difference between the Dharma-sūtras and the Smṛtis is well brought out by Prof. Kane in his History of Dharma-śāstra. He points out that many Dharma-sūtras are either parts of the Kalpa, belonging to each sūtra-caraṇa or are intimately connected with the Gṛhya-sūtras. The Dharma-sūtras sometimes betray some partiality in their Vedic quotations for the texts of that Veda to which they belong or in the

1. The Cultural Heritage of India, Vol. II. 301-3: Mookerji (R.K.): Hindu Civilization. Delhi, 1950, p. 121
2. Kane (P.V.): History of Dharmaśāstras, Vol. I. 1930, p. 11; Ramgopal, op. cit. pp. 7-8
3. Ibid.

caraṇas in which they are studied. The authors of the older Dharma-sūtras do not claim to be inspired seers or superhuman beings while the other smṛtis such as those of Manu and Yājñavalkya are ascribed to gods like Brahmā. The Dharma-sūtras are in prose or mixed prose and verse; the other smṛtis are in verse. The language of the Dharma-sūtras is generally more archaic than that of the other smṛtis. The Dharmasūtras do not proceed upon any orderly arrangement of topics, while the other smṛtis arrange their contents and treat of the subjects under three principal heads viz. Ācāra, Vyavahāra and Prāyaścitta. Most of the Dharma-sūtras are older than the other smṛtis.[1]

Mānava-Dharma-sūtra:

The controversy raging around the existence of a Mānava-dharma-sūtra has been well taken by Prof. Kane. Max Müller and Weber propounded the theory that the extant Manusmṛti was a recast or remodelling of an ancient Mānava-dharma-sūtra. Max Müller further adds, "There can be no doubt however, that all the genuine Dharma-sūstras, which we have now, are without any exception nothing but more modern texts of earlier sūtra works on Kuladharmas belonging originally to certain Vedic caraṇas.[2] The use of anuṣṭubha in the sūtra works has uprooted the main plank of the theory of Max Müller, which rested on the non-employment of this metre in the sūtra period. Afterwards Bühler has tried to rehabilitate the theory of Max-Müller but has failed in his attempt. According to him the Vaśiṣṭha-dharma-sūtra refers to four quotations of Manu.[3]

These consist of two verses and a passage in prose with iti at the end. Since present Manusmṛti is in verse, so these quota-

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1. Kane (P.V.): History of Dharmaśāstra, Vol. I, 1930, p. 12; Robert Lingat; The Classical law of India, (Original in French, translated by J. Duncan M. Derret) 1973, pp. 73-74
2. Max Müller: History of Ancient Sanskrit Literature, pp. 134-35; Ramgopal, op. cit. pp. 41-52
3. Kane (P.V.): op. cit. Vol. I, p. 80

tions are taken from the Mānavadharmasūtra. Moreover Vaśiṣṭha-dharma-sūtra also contains other quotations attributed to many which either contradict the present Manusmṛti or have no counter-part in the latter. Further, a fragment of Uśanas quotes an opinion of Manu about impurity which is in prose. Bühler himself points out that here one manuscript reads 'Sumantuḥ' for 'Manuḥ'. So this argument is not tenable. Bühler also shows some contradiction in the quotations attributed to Manu as given in the Kāmandakīyanītisāra and and the statements of the present Manusmṛti.[1] But Prof. Kane holds that in these quotations Kāmandaka is only paraphrasing the words of Kauṭilya. Hence, the theory cannot be supported on this ground. On the strength of the preservation of the complete set of the Sūtra works of Āpastamba on Śrauta, Gṛhya and Dharma, it is urged that the Mānava caraṇa had a sūtra on dharma.[13] Prof. Kane holds that the genealogy of the works of the schools of Āpastamba and others furnish no proof. The learned author says that since the Brahmins in southern India were in the very early days of their colonization surrounded by an alien-culture and alien customs, so it was necessary to formulate distinctly the rules of general conduct for the Āryan community in southern India that studied the Black Yajurveda. The same necessity did not exist in northern India, where the members of the sūtra caraṇas knew their ordinary everyday duties very well and were more or less a homogeneous community with same ideals and customs. When the knowledge of the existence of the complete set of the sūtra works in the Āpastamba and other caraṇas of the Yajurveda in southern India permeated to northern and central India, the leaders of the caraṇas cast about for works that would complete the works of their caraṇas and bring them in line with those of Āpastamba and others. Therefore the various caraṇas seized upon several Dharma-sūtras and adopted them in their schools for study. The assimilation of independent Dharma-sūtras into individual sūtras caraṇas probably took place before or in the first centuries of the

1. Kane (P.V.), op. cit., Vol. I. pp. 80-84

Christian era. Śabara (on Jaimini. I. 3.4.) seems to make fun of the Dharma-sūtras when he says that the direction to observe brahmacarya for forty-eight was advice of those who wanted to hide their impotency (Gautama. 2.52). This shows that these Dharma-sūtras could not have been regarded as very authoritative by all early writers. Jaimini (3.11) denies the independent authority of the Kalpa-sūtras. Kumārila, nowhere mentions the Mānava-dharma-sūtra as studied by the followers of the Black Yajurveda, though he mentions Baudhāyana and Āpastamba as studied by them. He places the Manusmṛti even higher than the Gautamadharmasūtra and betrays no knowledge of the existence of the Mānava-dharma-sūtra. Viśvarūpa remarks that the Mānavacaraṇa is not existent. So it can be said that there was no Mānava-dharma-sūtra whose recast is present Manusmṛti.[1]

Controverting the hypothesis of Prof. Kane, Dr. Ram Gopal observes that it is based on the sole assumption that the caraṇas of Baudhāyana, Āpastamba and Hiraṇyakeśin arose and flourished in the south. He further says that the assumption about the home of the Āpastamba and Baudhāyana is wholly unfounded and consequently the entire superstructure vanishes with it. Moreover, it is also important to note that Prof. Kane himself is not quite certain that the home of Baudhāyana was in the south. The argument that the location of certain caraṇas in the midst of an alien culture necessitated the composition of Dharma-sūtras in those caraṇas carries little weight. It is also not quite correct to state that there is hardly any thing in the Dharma-sūtras of Gautama and Vaśiṣṭha to connect them specially with the Sāmaveda and the Ṛgveda respectively.[2]

According to the learned author, the hypothesis regarding the former existence of a Mānava-dharma-sūtra is quite baseless and that the intricate problem of tracing the origin of our Manusmṛti could not be tackled on facile assumption

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1. Kane (P.V.), History of Dharmaśāstra, Vol. I. 1930, pp. 81-85 Ramgopal, op. cit., pp. 47-51
2. Ramgopal, op. cit. pp. 51-52

that this smṛti is a recast and versification of a Mānava-dharma-sūtra. Dr. Ramgopal supports the standpoint of Max Müller that the Dharma-sūtras as a whole are earlier than the metrical smṛtis. But it is not quite correct to consider the smṛtis as mere recast of the earlier Dharma-sūtras. The Smṛti-writers' contribution to the development of Dharma literature is by no means less substantial than that of the Dharma-sūtra-authors.[1]

The Smṛti:

The term Dharmaśāstra is generally applicable to both the Dharma-sūtras and the metrical codes, otherwise known as smṛtis. The term smṛti indicates that these codes are authorities on the basis of Śruti (revelation) from which smṛti arose.[2] The word smṛti is used in two senses. In wider sense it includes the whole literature other than the Vedas. But in the restricted sense smṛti and Dharmaśāstra are synonyms.[3] The word smṛti occurs in Taittirīya Āraṇyaka.[4] Gautama[5] and Vaśiṣṭha[6] speak of smṛti as one of the sources of Dharma. According to Haradatta Āpastamba employs the word smṛti to denote Gautama-dharma-sūtra.[7] In the Purva-Mīmaṁsā-sūtra the word smṛti is mentioned.[8] It is used in a wider sense in the Vedānta sūtras.[9] According to Śaṁkara the word smṛti is used here to denote the Mahābhārata or the Manusmṛti.[10] The smṛtis came into existence to satisfy the demand of the society for new provisions in matters of dharma, religious and secular.[11] The philosophical treatises are also in alliance with

1. Ramgopal op. cit., p. 52
2. Cultural Heritage of India, p. 308
3. Manu, 2, 10
4. Tai. Ār. 1, 2
5. Gautama Dh. S. 1-2
6. Vasiṣṭha. Dh. S. 1, 4
7. Āp. Dh. S. II. 6, 25, 25
8. Purvamīmāṁsā-Sūtra, XII. 4, 42
9. Vedāntasūtra, II. 1-1
10. Ibid., 3, 47: III. 1, 14, 21; IV. 2.14
11. Cultural Heritage of India, Vol. II. 1962, p. 308

the word smṛti or tradition, in literal sense of the term. The later philosophical works are the out-come of a long continued tradition reaching back to the sūtra literature. Max Müller says, "What we call philosophy in its systematic form is from an Indian point of view not revealed (Śrutam) but belongs to smṛti or tradition."[1]

The Smṛtis and the Nibandhas:

The smṛtis are closely followed by the Nibandhas (digests), In these works we find a great deal of flexibility in the treatment of the subject. They seem to be more free in rejecting or accepting the injunctions of not only smṛtis but even those of the śruti. If some citations do not suit the meaning which they want to have then they will give many types of explanations. Perhaps the main aim before these digests was to remove the contradiction among the statements of the smṛtis or śrutis and strike a synthesis between them. These Nibandhas generally and profusely quote from the smṛtis and the Purāṇas but seldom from Śrutis. Thus they are based on the smṛtis and the Purāṇas. The reason being that the smṛtis were more easily available and understood by the people than the Vedas whose knowers were rare. Later on, these digests were also begun to be quoted as authority on matters both religious and secular along with the smṛtis and Śrutis.[2]

The Smṛtis as a source of Dharma:

In the early stages of the development, the smṛtis were regarded less authoritative than śrutis,[3] still in actual practice they were regarded as supreme in their own sphere.[4] All these

1. Max Müller: Six systems of Indian Philosophy, p. 3
2. Nirupana Vidyalankar: Bhāratīya Dharmaśāstra Me Śūdron Kī Sthiti, Meerut, 1971, pp. 14-15; Kane (P.V.): H.D.S. Vol. I.; Cultural Heritage of India, Vol. II. pp. 364-380
3. Purvamīmaṁsā-sūtras, 1-3-3. It lays down that the views of smṛtis should be summarily rejected if they were opposed to the dicta of the Śrutis.
4. This could be aehieved by setting the theory which laid down that the rules of smṛtis which come into conflict with that of the Śrutis were actually based on some lost Śruti text and so could not be set aside even when they are in direct conflict with the Śrutis.

Śmrtis are not of equal authority. Most of them are indeed obscure and rarely cited by ancient commentators. Exclusively of Dharma-sūtras hardly a dozen smṛtis have found commentators.[1] But very soon it was realised that later Smṛtis were also equally, if not more, useful than the earlier ones, for the rules contained in them were often more in conformity with the spirit and practice of later times. An effort was therefore made to see to it that they were also given due scope. With this end in view it was laid down that when smṛtis differed, the majority view should be followed[2] or that opinion may be accepted which was most reasonable.[3] So Devanabhaṭṭa pleaded that when there was a conflict of views between two smṛti texts, an option should be assumed.[4] Commentators like Medhātithi were unwilling to lay down a final list of authoritative smṛtis, for they realised that new smṛtis could still be composed which would be authoritative for a later age.[5] In this way society was very anxious that there should be full scope given for the enunciation in new smṛtis of such new principles or practices as may be necessary for the new age, and that they should be accepted by society, though they may be representing a new or a minority view for the time being. New smṛtis that were being composed in different provinces and in different centuries thus provided for an authoritative recognition of new practices or variations in old ones.[6] The smṛtis themselves do not support the theory advanced by some that Dharma is unchangeable for all times to come. They expressly state that Dharma and Ācāra may change from

1. Gajendragadkar: Some thoughts on the interpretation of Smṛti texts, an article published in 'A Volume of Studies in Indology' Poona Oriental Series No. 75 p. 182
2. Gobhila, D.S. III. 149
3. Vyāsa in Smṛticandrikā, S. p. 16
4. Devanabhaṭṭa in Smṛti candrikā, S. p. 16
5. Medhātithi on Manusmṛti, 2.6; Gajendragadkar, loc. cit. p. 182
   The author says that these smṛtis depict and enumerate the customs and usages of their own times.
6. Altekar (A.S.): The Position of Smṛtis as a source of Dharma, an article published in 'A Volume of Studies in Indology' Poona Oriental Series No. 75 pp. 18-25

time to time according to the change in the social conditions and practices of the country in their own times.[1] That is why smṛtis continued to have a long hold over the Hindu mind.

The Number of Smṛtis:

There seems to be no unanimity about the number of the smṛtis among the ancient scholars. Gautama has referred to Manu only. Baudhāyana mentions the names of seven other smṛti-writers besides himself. These are Aujaṅghani, Kātya, Kaśyapa, Gautama, Prajāpati, Maudgalya and Hārīta.

Vaśiṣṭha names only five authors, viz. Gautama, Prajāpati, Manu, Yama and Hārīta.

Āpastamba mentions ten authors of the smṛtis. They are Eka, Kaṇva, Kuṇika, Kutsa, Kautsa, Puṣkarasādi, Śvetaketu and Hārīta.

Manu mentions five besides himself. They are Utathya's son Atri, Bhṛgu, Vaśiṣṭha, Vaikhānasa and Śaunaka.

Yājñavalkya is the first author who has mentioned twenty writers of the smṛtis. In this list he has included himself and Śaṅkha and Likhita.

Pārāśara has named nineteen authors of the smṛtis.

The smṛti-candrikā gives the following names of smṛtikāras-Manu, Yama, Dakṣa, Viṣṇu, Aṅgirasa, Bṛhaspati, Uśanas, Āpastamba, Gautama, Saṁvarta, Ātreya, Hārīta, Kātyāyana, Śaṅkha, Likhita, Pārāśara, Vyāsa, Śātātapa, Prcetas, and Yājñavalkya.[2]

The Prayogapārijāta mentions eighteen authors as the principal writers of the Dharmaśātras viz. Manu, Bṛhaspati, Dakṣa, Gautama, Yama, Aṅgirasa, Yogiśvara, Pracetas, Śātātapa, Pārāśara, Saṁvarta, Uṣanas. Śaṅkha, Likhita, Atri, Viṣṇu, Āpastamba and Hārīta.

It also refers to eighteen authors of minor smṛtis. They are Jābāli, Nāchiketa, Skanda, Laugākṣī, Kaśyapa Vyāsa, Sanatkumāra, Śāntanu, Janaka, Vyāghra, Kātyāyana, Jātu-

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1. Gajendragadkar (K.B.); Loc. cit. p. 183
2. Kane (P.V.); H.D.S. Vol. I. 1930, pp .132-133

karṇya, Kapiñjala, Baudhāyana, Kaṇāda, Viśvāmitra, Paiṭhīnasi, and Gobhila.

Eleven other authors referred to by the above source are Vaśiṣṭha, Nārada, Sumantu, Pitāmaha, Viṣṇu, Kārṣṇājina, Satyavrata, Gārgya, Devala, Jamadagni, Bhāradvāja, Pulastya, Kratu, Ātreya, Gaveya, Mārīci, Vatsa, Pāraskara, Pulaha, Ṛṣyaśṛṅga, Vaijāvāpa.

The Vṛddha-smṛti refers to fifty-seven Dharmasāstras. If we are to enumerate the smṛtis mentioned in the later Nibandhas like Nirṇyasindhu, Vyavahāramayūkha etc. their number would swell over hundred. Some of these smṛtis are written in prose, some other are composed in verse and still some others were in both verse and prose. But those which are in verse outnumber the other types of smṛtis.[1] In some cases the smṛtis appear to be remodelling of the earlier sūtra works. A notable feature of the smṛtis is that there are several of them going under the names of well-known smṛti authors with the terms 'Vṛddha', 'Laghu' or 'Bṛhat' prefixed to them bereft of such prefixes, only a dozen are authoritative. The most important smṛtis are that of Manu, Yājñavalkya, Pārāśara, Nārada and Bṛhaspati. Of these, the Manusmṛti is considered the most important smṛti. Angiras says that that smṛti which goes against the injunction of the Manusmṛti is not good.[2]

The Pre-Eminence of Manusmṛti:

The oldest and most well-known of the smṛtis is that of Manu, also called Mānava-Samhitā or Mānava-Dharmaśāstra. It is a standard and the most authoritative work on Hindu law and presents the normal form of Hindu society and civilization.[3] It is a store-house of information on the social, cultural, religious, ethical, metaphysical, educational, political, judicial and geographical life of the period and this is perfectly natural. Literature or whatever kind it be, cannot be isolated from the

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1. Kane (P.V.): H.D.S. Vol. I. 1930, pp. 133-13-15
2. Bṛ. Smr. Saṁskāra, 13
3. Mookerji (R.K.): Hindu Civilization, p. 159

lives of the peoples. It has also exerted influence on the social and political orders of countries like Burma and Indonesia. For thousands of years Indian society has been developed and moulded on the lines laid down in the Manusmṛti.

By agreement, the Manusmṛti has been accorded primacy among smṛtis and dicta opposed to its are rejected. Its study is imposed as a duty on the leaders and teachers of society. Even in the west, its wisdom and foresight have attracted the attention of men not borne down by conventions and habits like Neitzsche, who looked for new light.[1]

In the literature of Hindu speculation also Manusmṛti held a position of pre-eminence. Alone among the smṛtis, its dicta have been cited as authority in the literature of Indian philosophy. The influence which Manusmṛti has had on the lives and ideals of Hindu India for centuries can well be compared in regard to its extant and thoroughness to that of Confucius in China. Modern studies in comparative religion and laws have proved that there is a resemblance between Manes, Manu and Moses, as the traditional law givers of three ancient peoples. A comparative study of the land and the trade regulations of Manu and of the ancient Sumerians has suggested that source of the latter lay in the former.[2]

Manu's importance in Indian history lies in the fact that it was he who gave the stamp of sanctity and permanence to the socio-political institution of the land, and left to the Indian world the first code of civil and criminal law. His greatness in the history of the contemporary world and among other great law givers of antiquity like Hammurabi, is self evident.[3]

The Authorship and date of the Manusmṛti:

Authorship :—The name 'Manusmṛti' denotes that the smṛti was composed by an author named Manu. The peoples being

1. Aiyangar (K.V.R.): Aspects of the Social and Political system of Manusmṛti, Preface, Cf. Kane (P.V.) op, cit. Vol. I. p. 157
2. Aiyanger (K.V.R.): op. cit. p. 30-31
3. Saletore (B.A.) Ancient Indian Political Thought and Institutions. p. 151

the children of Manu are called 'Mānavāḥ' or 'Manusyāḥ'.[1] The word Manu is formed by adding the Uṇādi suffix '*U*' to the root *man*, to think.[2] Thus the etymology of this word is *manyateneneti manu*. Mythologically, Manu was the father of the human race, the first law-giver. He like Noah, escaped a great flood and he was thereafter the receiver and the promulgator of the laws of justice.[3] He is represented as the son of the Āditya Vivasvat and also as the son of self-existent Supreme Being and so is known as Svāyambhuva. He was born to Vivasvat by a female of his own Varṇa and so was called Sāvarṇī. He is also known as Prajāpati (The creator of living beings).[4] Sometimes, he is identical with the Supreme self, Brahman.[5] The above mentioned references show his divinity.

He is also described as human being. He appears as a Ṛṣī[6] or as the hero-king of the deluge in which the human race was destroyed, leaving him as the only survivor and who recreated through Īḍā, the human race or as a father who divided his property between his sons in his own life time[7] and as a man following the prescribed customs.[8] He is described as the maker of many kings like Purūravas, Śaryāta, Ikṣvāku and anointed as king by Prajāpatī himself. He is said to have introduced the firesacrifices and funeral-feasts (Śrāddhas). He discovered many Vedic hymns.[9] The Mahābhārata calls him Srāddha-deva[10] In the Gītā the lord declares that the yoga was first communicated by him to Vivasvat, who gave it to Manu who taught it to Ikṣvāku, from whom the successors learnt it in succession from generation to generation till knowledge of it became lost to

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1. Manorapatyāmi; Ṛ V.I. 80, 16
2. Unādi-Sūtras, 1.11; Sir William Jones: Institute of Hindu Law p. XV
3. Keith (A.B.): Sanskrit Literature, p. 440; Winternitz: Indian Literature Vol. pp. 575-576
4. Tai. Saṁ, 3, 2, 8, 1; 4, 1, 9. 1
5. Maitrāyana Brahmaṇopaniṣad, V. 1
6. R.V. 1.80, 16; 1, 112, 16
7. Tai. Saṁ. III. 1, 9, 4
8. Sat. Br. 1, 8, 1
9. Ayianger (K.V.R.): Aspect of the Social and Political system of Manusmṛti, pp. 32-33
10. Mahābhārata, XII. 121, 29

man.[1] According to Taittirīya Saṁhitā, whatever Manu has spoken is madicine.[2] Āpastamba Dharmasūtra refers to the vedic legend of Manu's invention of srāddha.[3]

Certain rules cited in the Dharmasūtras are founded in the Manusmṛti.[4] Motwani opines that Manu should not be taken as the name of a person but a title given to the great law-givers.[5] Thomas holds that there are said to be fourteen Manus ruling mankind in succession, the Manu of the deluge-myth being the seventh.[6] Thomas seems to support the above mentioned view of Motawani. Medhātithi on Manu I.4 states that the actual authors of the Manusmṛti no doubt use the name of Manu to give authority to the rules of earlier writers in the origin often professed to be mere transmiters of ancient tradition and avoided claim to authorship.[7] It is quite probable that the laws which were propounded by Vaivasvat Manu and which are often cited in the Vedic literature, were collected in the form of the Manusmṛti or the present Manusmṛti is based on those floating laws and observations in the name of Manu, at a later date.[8] Bhṛgu can be the person who complied the laws of Manu as he is described in the text as one who learnt these laws directly from Manu and declared them to sages at the behest of Manu. Bühler holds that the present form of the Manusmṛti was fixed after several redactions.[9] But Prof. Kane rejects the theory that Manusmṛti underwent several recasts and considers that one revision will account for the conflicting statements in the smṛti on which the inference is based. He rightly draws attention to the traditional practice of setting side by side conflicting or divergent views and indi-

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1. Gītā, 4, 1-2
2. Tai. Sam. 2, 2, 10, 2 Yadvai Kimcamanurabravittadbhe sajam.
3. Āp. Dh. S. 2, 16, 1
4. Aiyanger (K.V.R.) op. cit. pp. 33-34
5. Motawani (K): Manu Dharma, pp. 245-48
6. Thomas: Hindu Religion, p. 2
7. Medhātithi on Manu. 1, 4
8. Thakur (L): Pramukha Smṛtyon Kā Adhyayana, p. 3. Cultural Heritage of India, Vol. II p. 335
9. Bühler; The Laws of Manu, Introduction.

cating either preference or option.[1] This revision was perhaps done by Bhṛgu. According to Thakur the existence of Manu is proved without any doubt by the references occurring in the Vedic literature. But the Dharmaśāstra composed by him and which was available to the former writers, is not available to us. It cannot be proved that the work in its present form has come down to us in exactly in the same form as composed by Vaivasvat Manu. Hence present Manusmṛti is a collection of rules propounded by Manu and is based on ancient tradition.[2] In short, Manu was the original author of the Manusmṛti and Bhṛgu was the compiler of his laws. The Mahābhārata informs us that the Supreme Being gave a treatise on dharma in a lakh of verses; Manu Svāyambhuva produced his work on the basis of that treatise.[3] The Smṛti says that Manu's large treatise on dharma was abridged by Nārada, whose work was in turn abridged by Mārkaṇḍeya, and from this abridgement Sumati Bhārgava produced a further condensed version in 4000 verses.[4] The Nārada's text is actually called in the manuscripts as Nāradīya Manu Saṁhitā.[5] That our present Manu text could be taken as the version of Bhṛgu is further strengthened by the Nāradīya Manusaṁhitā, which thrice quotes from the Bhārgavī Saṁhitā and these quotations are found in our present Manu text.[6] According to the tradition alluded to in the Bhaviṣya Purāṇa, the original text

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1. Aiyangar (K.V.R.). Aspects of the Social and Political system of Manusmṛti pp. 53-4 Kane (P.V.), History of Dharmaśāstra, Vol. I. pp. 148-151.
2. Thakur (L): Op. cit. p. 3. Dutt (R.C.): A History of civilization In ancient India, Delhi, 1972 Vol. II p. 83. The author says, "The laws of Manu in their earlier or Sūtra form were prevalent in India and were much respected by the other sūtrakaras in the rationalistic age. Those earlier laws, however, have been lost to us and the Institutes of Manu which we have now were completely recast and put in the verse in the Buddhist age."
3. Mahābhārata, XII. 336, 33-46
4. Jolly: Institutes of Nārada. Calcutta-1885
5. Chintamani (T.R.) C.K. Raja Presentation Volnme (Adyar Library, 1946) pp. 154-96
6. Nāradīya Manu Samhitā, pp. 134, 147 and 169

of Svāyambhuva Manu was redacted in four forms by Bhṛgu, Nārada Bṛhaspati and Angirasa. The relation between Manu and Bṛhaspati proves beyond doubt to prove that the Bṛhaspati Smṛti forms a gloss (vārttika) on the Manusmṛti.[1]

Date:

A great amount of controvery is raised around the date of the Manusmṛti. Max Duncker[2] is inclined to date the Manusmṛti soon after six hundred B.C. as it does not mention places south of Hindustan, when Ceylon was occupied in 500 B.C. Neither it refers to puranic deities like 'Śiva (who are mentioned in the early Buddhist literature), nor betrays a perfect knowledge of the six systems of Indian philosophy; nor mentions the great epics.[3] Its "awkwardness" in enunciating rules of judicial procedure, which is taken along with its omitting two out of the usual eighteen titles of law is held to be a sign of early date.

Elphinston holds that the Manusmṛti was composed in the 900, B.C. as it gives us a complete picture of the state of society drawn on the basis of conditions that prevailed in that period.[4]

Hunter asserts that the present code must have been compiled between 100 and 500 A.D. because it is a compilation of a customary law current pobably about the 500 B.C.[5]

Bhagavaddatta has tried to prove that the two verses of the Manusmṛti occur with slight alterations in the Buddhist work Dhammapada. So the Manusmṛti existed before Dhammapada i e. before 400 B.C.[6]

Sir William Jones says, "The laws of Manu very probably were considerably older than those of Solon or Tycurgus, although the promulgation of them, before they were reduced

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1. Cultural Heritage of India, pp. 335-36; Laszlo, Die Parallel version-der Manusmṛti im bhaviṣyapurāṇa, Wiesb. 197
2. Max Duncker: History of Antiquity, Trn. Abbot, Vol. IV. pp. 93-196
3. Aiyanger (K.V.R.) op. cit. p. 59
4. Elphinston: History of India, pp. 11-12
5. Hunter: The Indian Empire, p. 113
6. Bhagavaddatta: Introduction of Bṛhaspatīya Arthaśāstra, pp. 6-7

to writing, might have been coeval with the first monarchies established in Egypt and India.[1]

Jayaswal places the Manusmṛti in the reign of Puṣyamitra or other kings of Śuṅga dynasty. The main argument of Jayaswal in favour of this theory is that in order to consolidate the power of Puṣyamitra, Manu imposed divinity upon king. In this way the author tried to enhance the importance of the Brahmin varṇa as Puṣyamitra belonged to that varṇa.[82] But it was soon discovered by Manu that the rule would go against the popularity of Puṣyamitra who had killed Bṛhadratha, the last king of the Mauryan dynasty, who according to the rule of Manu possessed the element of Indra, Varuṇa, etc. So the killing of the Mauryan king could not be justified. To avoid this, the author thought of Daṇḍa and made it the king of the kings.[2] A.K. Sen also supports this theory.[3] This would mean that the work was composed not from the point of religion but from the point of political gains. Jayaswal also thinks that the Mahābhāṣya is older than the Manusmṛti because it does not refer to Manusmṛti. Patañjali explicitly mentions Puṣyamitra. So they belonged to the same period i.e. 2nd C.B.C.[4] Thus the present Manusmṛti was composed on the basis of floating mass of Manu verses; the redaction of Bhṛgu might have taken shape between the second century B.C. and the second century A.D. This date could be supported by the literary, historical and epigraphical evidences, the evidences of the Buddhistic Vajrasūcī and the mention of Yavanas, Kambojas, etc. in the text of Manu. Refuting the theory of Jayaswal, Thakur says that the non-mentioning of the Manusmṛti by Patañjali was not a sound argument. Moreover Manusmṛti also does not refer to Patañjali. Should we take that he existed after the composition of the Manusmṛti ? Regarding the creation of Daṇḍa to limit the power of the king, it can be said that while imposing divinity on the king, he has also laid down that he should perform actions in accordance with his

1. Sir William Jones: Institutes of Hindu Law, Introduction p, 10
2. Jayaswal: Hindu Polity, pp. 235-39
3. Sen (A.K.) Studies in Hindu Political Thought, p. 129
4. Jayswal: op. cit. pp. 235-39

divinity. He has cautioned the kings by citing the examples of Vena, etc. that if they do not act befiting their divinity then they will be destroyed like Vena and others.[1]

Varadacharya observes, "Further in respect of the present text of the Manusmṛti, scholars are not, by any means, agreed that it belongs to the period of the Śuṅga kings. The so-called Brahmin ascendancy (if any) did not begin with the advent of the Śuṅga kings.[2]

Aiyangar says that the Manusmṛti is older than the Arthaśāstra of Kauṭilya.[3] According to Jayaswal the Arthaśāstra was composed in the days of Chandragupta Maurya i.e. in 3rd C.B.C. But Jolly places the Arthaśāstra in 4th C.B.C. But this view is ably refuted by Jayaswal.[4] Varadacharya says that there are no doubt material differences on some points between the Manusmṛti and the Arthaśāstra of Kauṭilya, but this, by itself, will not help to establish Jayaswal's proposition. The Arthaśāstra, itself refers here and there to the views of the Mānava School and indicates the author's dissent.[5] Aiyangar has proved that there is hardly any difference between the rules of the Manusmṛti and the Arthaśāstra with regard to religious matters. They hold similar views on this point. With regard to secondary rules there is some difference between the two but that is due to the fact, the Manusmṛti discusses these rules briefly[6] whereas they are given in full detail in the Arthaśāstra. If we accept Bühler's dictum that Manusmṛti shows a period in which treatment of law had begun but had not advanced, the same argument can be used for putting Manusmṛti before the Kauṭilya.[7] It should also be noted that Manu does not mention Kauṭilya whereas Kauṭilya has referred to the view of Manu more than once by saying 'Mānavaḥ'.[8]

Bühler assigned it to a period between 200 B.C. and A.D.

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1. Thakur (L): op. cit., pp. 11-12
2. Varadacharya (S): Hindu Judicial System, p. 41
3. Thakur (L); op. cit., p. 19
4. Jayaswal: Manu and Yājñavalkya, Introduction, XIX.
5. Varadacharya (S): op. cit., p. 42.
6. Thakur (L): op. cit., p. 18-19.
7. Aiyanger (K.V.R): op. cit., pp. 58-59.
8. Thakur (L): op. cit., p. 19.

200. He once propounded that the Manusmṛti was composed later than the Mānava-Gṛhya Sūtra but later on he had himself admitted that this could not be held due to the conflict between the rules of these two texts.[1] Still some scholars are of the view that the treatment of subjects in the Manusmṛti is more lucid, systematic and detailed than that of the sūtra books, moreover the subjects discussed in the Manusmṛti are briefly stated in the sūtra works. And so the Manusmṛti is later then the Gṛhya and the Dharma Sūtras.[2] But Aiyanger has contested this view and has established that it is not so. The brief discussion of the topics in the sūtras does not prove that they belong to ancient period. The reason of their brevity is that they were syllabus for the instruction of the students, and detailed explanations of these were given during oral instructions.[3]

Bühler again says, "I think it safer to rely more on the mention of the Yavanas, Kambojas and Śakas and to fix the remoter limit of the work about the beginning of the 2nd Century A.D. or somewhat earlier".[4] External evidences in the form of citations from it by Aśvaghoṣa and the Dhammapada, and anonymous citation of a verse from the Mahābhāṣya, an early Combodian inscription which cites Manu (2-136) without naming him and gives the gist of Manu (3.77-80) and Vātsyāyana's reference to Manu; similarity in many passages between Manu and Kauṭilya and in Tamil aphorisms of the early Tamil ethical writer, Tiruvalluvar for whom a date in 2nd century A.D. is assign d and internal evidences in the form of the mention of Chinese, Parthian, Yavanas enumeration of Kṣatriya tribes or people who had become Vṛṣalas by neglect of their enjoined duties, suggest that the extant version of the Manusmṛti cannot be older than the 2nd centnry B.C. and would approximate to the date suggested by Bühler as an upper limit.[5] Almost all the scholars have accepted that the upper limit of the Manus-

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1. Bühler: The Laws of Manu, Introduction in S.B.E. Vol. 25.
2. Thakur (L): op. cit., pp. 19-20.
3. Ibid., p. 5.
4. Bühler: The Laws of Manu, Introduction.
5. Aiyanger (K.V.R); op. cit., p. 58

mṛti can be fixed at 2nd C.B.C. But Bühler and Kane assign 2nd C.A.D. as the lower limit of the work.[1]

The Style and Contents of the Manusmṛti :

The Manusmṛti is divided into twelve chapters and contains 2694 anuṣṭubh couplets. The critical edition prepared by Dr. Jolly contained only one additional verse. The work is written in a simple and flowing style. It generally agrees with Pāṇini's system though it contains some deviations from it as in the verse 'Sākṣiṇaḥ santi metyuktvā (8.57). It closely agrees with the doctrines contained in the Dharmasūtras of Gautama, Baudhāyana, and Āpastamba. Kauṭilya also exhibits remarkable agreement with the Manusmṛti in phraseology and doctrines.[2] The scholars like Bühler were of the opinion that it has several contradictory passages which could be explained only on the theory of several recasts and interpretations and accretions. But as Kane has pointed out, the facts of the case do not require the assumption of many recasts and additions of topics like cosmogony, philosophy, etc. The apparently divergent statements on taking a Śūdra wife, resorting to niyoga (levirate), and eating flesh found in the work are not really contradictory; for they are based on the doctrine of abstention which Manu himself enunciated, and which is basic to the approach and philosophy of Manu and of Hinduism as moulded by Manu and other teachers.[3]

Now following is a brief description of the subject matter of the Manusmṛti. The first chapter deals with the origin of the world, creation of beings, the origin of the text as Manu taught it through Bhṛgu, the units of time and Yugas and differences in their respective dharmas, according to them the four classes of men and the difference in their dharmas. It

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1. Thakur (L): p. 27; Ketkar (S.V.), History of Caste In India, p. 62. He says, "After examining the contents of the work carefully I have come to believe that the author could not have lived before 200 A D., and am inclined to place him between 227 A.D., and 320 A.D."
2. Kane; op. cit., Vol. I. p. 140.
3. Cultural Heritage of India, pp. 337-38.

also gives the list of topics to be subsequently dealt with in the work. The second chapter sets forth the four sources and grounds or proofs of dharma, the person for whom this dharma holds good, and the area where it prevails. It proceeds to describe the dharmas as applicable to each of the four classes, Brahmin, Kṣatriya, Vaiśya and Śūdra. After giving some details about the sacraments, the chapter concentrates on the brahmacarya (studentship). In the third chapter, the householder's life, marriage and its eight forms, married life, daily and periodical observances of a house-holder the vital character and the important social role of the householder, his five daily sacrifices, and the periodic Śrāddhas are described. Chapter four contains the description of the householder's life, means of livelihood, personal habits and details of daily routine and principles of character and conduct. Chapter fifth deals with the food, death, pollution, purificatory ceremonies and special dharma of women. Chapter sixth is devoted to a description of the lives of the hermits and the ascetics. Chapter seventh and eighth together form a section about rulers and their duties along with statecraft in peace and war. Ministers, army, fort, wars, administration of villages, communities, merchants, etc. are spoken of in the seventh chapter. The eighth chapter deals with the administration of justice, eighteen titles of law, civil and criminial disputes, judges, evidences, offences and punishments. The ninth chapter deals with women, their duties, property, inheritance and partition, debts, gambling, contracts and theft. In chapter tenth the people outside the pale of this system of dharma and those born by promiscuous mingling of the four classes and their ordained duties, emergency-duties are dealt with. The penultimate chapter speaks of different kinds of sins, major or minor, and their expiations. The last chapter falls into two sections. The former section tells of the theory of Karman, the fruits and the kinds of birth, high and low which result from different acts, good and bad and through which the soul has to pass. The latter states those dharmas which help the spiritual goal, the seeking of self knowledge and the attainment of the ever-lasting good.

This analysis shows a large scope is to be found in the

Manusmṛti which condenses a vast literature. It is a veritable encyclopedia of religion, morality, politics and law. Nearly half of it exceeds the size of the Dharma-Sūtra. Dharma is entirely detached from the teaching of ritual, and its study is founded directly on that of the Veda in the largest sense of that word, namely the philosophical and social concepts of the Hindu world. The teaching of the Dharmasūtras is found in its entirety, but it is encased in an exordium and peroration which curiously heighten its tone and significance and it is intermixed or interpenetrated by a philosophy far removed from the normal dry approach of the sūtras. This method of presentation by itself would be enough to place the code of Manu in class apart.[1]

Commentaries on the Manusmṛti :

Some of the important commentaries on the Manusmṛti are written by Medhātithi, Kullkūabhaṭṭa, Govindarāja, Sarvajña-Nārāyaṇa, Rāghavānanda, Nandanācārya, Rāma-chandra, Asahāya, Udayakara, as well as an anonymous Tippaṇa contained in Kashmir manuscript of the Manu-smṛti.[2]

Of these, the oldest extant is the voluminous Manubhāṣya of Bhaṭṭa Medhātithi, the son of Bhaṭṭa Vīrasvāmin. It is not a gloss which paraphrases every word of the text. Its aim is to show the general sense of Manu's dicta, to elucidate really difficult passages and to settle all doubtful points by a full discussion of the various possible interpretations and the opinion advanced by others. Moreover he frequently enhances the value of his explanations by illustrating Manu's rules by instances taken from every daylife, a point which most Hindu writers negelect. Finally, he frequently takes up a much more independent position towards his author than the other commentators dare to assume. He probably wrote his commentary in the ninth century A.D.[3]

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1. Robert Lingat: op. cit., pp. 86-87.
2. Kane (P.V): op. cit. Vol., I, p. 157.
3. Buhler: The Laws of Manu, SBE Vol. 25, pp. CXIX-CXXVI ; cf,. Kane: op. cit., vol. I. pp. 268-75

The well known Manvarthamuktāvalī of Kullūkabhaṭṭa the son of Divākarabhaṭṭa was considered the most trustworthy guide for the exposition of Manu. He was a Gauḍa by birth, his father lived in Nandan in Varendrī and he wrote his work at Vārāṇasī with the assistance of other Paṇḍits. He lived probably in the fifteenth century. The value of the Muktāvalī is, since the recovery of the Manuṭīkā, not very great, though it is undeniable that in certain cases Kullūka's independent remarks or criticisms of the earlier work are useful.[1]

Manuṭīkā is the name of the commentary of Govindarāja, the son of Bhaṭṭa Mādhava. According to Prof. Jolly, he lived in the twelfth or thirteenth century. The commentary is very concise, but by no means obscure verbal paraphrase of Manu's text. In short it is an abstract of Medhātithi's Bhāṣya from which Govinda has appropriated whatever seemed to him most valuable. His interpretations are criticised by Kullūka.

Sarvajña-Nārāyaṇa's commentary on the Manusmṛti is named Manvarthavivṛti or Manvarthanibandha. He wrote this commentary in the beginning of the seventeenth century. It is not a running commentary which explains every word of the text. It confines itself to the elucidation of selected difficult passages and words. It was written with the intention of undoing the work of author's predecessors.

The Manvarthachandrika is based on the Manvarthamuktāvalī. It is written by Rāghavānanda Sarasvatī, a pupil of Viśveśvarabhāgavatapāda. He has used four older commentaries. He mostly adheres to Kullūka's opinion. His exposition of the philosophical portions of the text is, however, mostly independent and he interprets them in such a manner as to agree with the Vedanta doctrines of his school. It is not a running commentary which paraphrases every word of Manu, but gives mostly remarks on difficult words and passages. It is probably a modern work, dating from the 16th or the beginning of the 17th century.[2]

Manuvyākhyāna is the name of another commentary on the Manusmṛti written by Nandana or Nandanācarya. He was

1. Bühler: op. cit., p. CXXXI, Kane: op. cit., Vol. I., pp. 359-63
2. Ibid. pp. CXXVII-CXXVIII, Ibid; pp. 309-315

a native of southern India. It is a very short commentary, which mostly repeats and explains only a few words or phrases of the text. It dismisses many verses which stand in need of elucidation with curt remark spaṣṭaḥ 'Clear' and passes by others without any note. It is a work of 1724 A.D. or 1803 A.D.[1]

The anonymous Tippaṇa or collection of detached explanatory remarks, in the Kashmir birch bark manuscript, is of very small importance.[2]

Translations of the Manusmṛti:

In 1794 Sir William Jones translated into English the codes of Manu entitled 'Institutes of Hindu Law' or 'The Ordinances of Manu'. Another English translation was commenced by Arthur Coke Burnell and finished after his death by Edward W. Hopkins. It was published in 1891 in Trubner Oriental Series. George Bühler published a book entitled 'The Laws of Manu' in the Sacred Books of the East Series. Ganganatha Jha also wrote an English translation called 'The Manusmṛti'. It is based on Medhātithi's commentary and followed by a collection of numerous extracts from other commentaries.

The Manusmṛti was translated into German by Hüttner in 1797 and Julius Jolly provided a translation of Book VIII and beginning of book IX. In 1833 A. Loiseleur-Deslongchamps published a French translation called "Lois de Manou". G. Strechly published a new translation in 1893 under the title les Lois de Manou. S.D. Elmanevich translated the Manusmṛti in Russian language in 1913.[3]

M.N. Dutt published a collection of various smṛtis named "The Dharma Śāstras." It contains text and English translation of the smṛtis including the Manusmṛti.

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1. Bühler, op. cit., pp. CXXXIII-CXXXV.
2. Ibid.
3. Robert Lingat: op. cit.,pp. 77-78

2

Geographical and Ethnical Data

Man is a social animal. His environments play an important role in the shaping of his personality, habits, customs, manners, behaviourial patterns. Cultural trends are also determined by geographical conditions. Therefore, an adequate knowledge of the geographical surroundings is a prerequisite for the proper understanding of Indian culture in Manu's times.[1]

Manusmṛti presents a pretty accurate detail of general geographical situation of the people for whom it was compiled. The country which lay between Himavat and Vindhya, to the east of Vinaśana and to the west of Prayāga (Allahabad), was known as Madhya-deśa. But the tract between the two mountains which extends as far as the eastern and western oceans, the wise call Ārayāvarta.[2] That land where the black antelope naturally roams, one must know to be fit for the performance of sacrifices; but beyond it lies the land of Mlecchas. The plains of the Kurus, the Matsyas, Pāñchālas and Sūrasenakas, which form the country of the Brahmṛṣi sages, rank immediately after Brahmāvarta.[3] People living in these plains were considered fit for military service.[4] The twice-born should invariably dwell in the above-mentioned countries, but a Śūdra could live anywhere he liked when distressed for subsistence.[5] The middle district here spoken of

1. Sharma, (R.N.): Culture and Civilization as revealed in the Śruatasūtras, Delhi-1977, p. 20
2. Manu 2, 21
3. Ibid., 2, 19
4. Ibid., 7, 193
5. Ibid., 2, 24

appears to correspond roughly with Doab of Ganges and Yamunā together with the tracts between the latter river and the Sutleja, and was propably the principal centre of Aryan activity. The Aryans had also evidently pushed themselves down the valley of Ganges as far as the Bay of Bengal on the one side and down the Indus as far as the Indian Ocean on the other; but they had not gone far south towards the centre of Indian peninsula. High ground is seldom alluded to. At one place the king is recommended to fix his abode in a champaign country, abounding in grain, and having if possible a fortress of mountains.[1] The expression that one gets water by digging the earth with a spade, indicates a reference to the valley of a great river.[2] Another observation of Manu that the land marks become more distinct in the month of Jyeṣṭha, so the boundary disputes should be settled in that month,[3] points to a land which was flooded during the rainy season. From this we can conclude that the people in the days of Manu lived principally in the Gangetic region. Although it is stated that the Aryans might dwell anywhere between the two oceans, the Eastern and the Western, and therefore it may be inferred that they had in some degree extended themselves to these limits. Manu dislikes a navigator of ocean.[4] Sea goods are however mentioned. Since he speaks of settled freight on goods by water, it can be inferred that it refers to the passages up and down rivers and not to the sea passage.[5] Hence the Aryans, in the period under review, were essentially an inland people and had not yet reached the shores of Bengal and Orissa. In the absence of concrete evidences, it cannot be said whether Nepal was a part of India or not.[6]

There were cities governed by Śūdra kings, independent of the Aryans, but having a co-ordinated civilization. The Aryans were themselves split up into small kingdoms. Manu lays

1. Manu 7. 69
2. Ibid., 2, 218
3. Ibid., 8, 245
4. Ibid., 3, 158
5. Ibid., 8, 406
6. Ibid., 8, 235, 5. 120, Nepālī blankets are referred here.

down that when surrounded by neighbouring kings a king should seek protection of a just and powerful monarch.[1]

Physical Features:

According to the Manusmṛti, the lord created the time and its divisions, the lunar mansions and planets, the rivers, the oceans, the mountains, plains and uneven ground[2] The two most important mountains mentioned in the text are the Himavat and the Vindhya[3] and Gangā, Sarasvatī, and Driṣadvatī are described as divine rivers.[4] For his purification a slayer of Brahmin may walk against the stream along the whole course of the river Sarasvatī.[5] The Eastern and Western ocans are also mentioned.[6] Sea voyages are forbidden by Manu.[7] Wells, cisterns and tanks were other sources of water.[8] Capital punishment is prescribed for one who breaks the dam or a tank. He who takes away the water of a tank constructed in ancient times or cuts off the supply of water, must be made to pay the first amercement.[9] Selling of a tank is enumerated among the punishable offences.[10] If some one forcibly occupies a tank then he should be fined five-hundred paṇas.[11] He who diverts water courses and he who obstructs them should not be invited to dine at Śrāddha.[12] One should not bathe in tanks belonging to others because in that case he would incur a portion of guilt of him who made the tank.[13] Ponds, lakes, water-holes, and springs are mentioned in the text.[14] Large lakes also supplied water for the use of the people.[15] Tanks, wells, cisterns and fountains should be built where boundaries meet.[16]

Natural phenomena like lightning, thunder, rain, fiery falling meteors, preternatural sound from the sky, an earthquake, halo

1. Manu. 7, 164
2. Manu. 1, 24
3. Ibid., 2, 21
4. Ibid., 2, 17, 21; 8, 92
5. Ibid , 11, 78; 4, 203
6. Ibid., 2, 22
7. Ibid., 3, 158
8. Ibid., 11, 164; 8. 262
9. Ibid., 9, 279, -81
10. Ibid., 11, 62
11. Ibid., 8, 264
12. Ibid., 3, 163
13. Ibid., 4, 201
14. Ibid., 4, 203
15. Ibid., 11, 264
16. Ibid., 8, 248

around the lights of the heaven, whirl-wind, sky preter naturally red, dust storm,[1] thunderbolt, clouds, imperfect (rohita) and perfect rainbows, clipse, comets,[2] are spoken of by the Manusmṛti in connection with the temporary suspension of Vedic studies.

Climate and Calendar :

Climate plays an important part in the shaping of body and mind. Both, hot and cold, climates existed in ancient times.[3] Six seasons are mentioned in the Manusmṛti, viz. Grīṣma, (summer), Varṣā, (rain), Śarad, (autumn), Hemanta, Śiśira (winter), and Vasanta (spring).[4] At the change of the seasons, each season of its own accord assumed its distinctive marks.[5] Funeral sacrifices were performed thrice a year, in winter, in summer and in the rainy season.[6] A hermit exposed himself to the heat of five fires in the summer, lived under the open sky in rainy season and wore wet dress in winter, thus gradually increased the rigour of his austerities.[7] The Vedic studies were discontinued in the rainy season.[8] There were twelve months in a year (Saṁvatsara).[9] Some of the months which are mentioned in the work are Caitra (March—April), Phālguna (February-March); Mārgaśīrśa (November-December)[10] Aśvina[11] (September-October) Pauṣa (December-January), Māgha (January-February), Śrāvaṇa (July-August), Bhādrapada Prauṣṭhapada (August-September)[12] and Jyaiṣṭha (May-June). Vaiśākha, Āṣāḍha, and Kārttika are not mentioned by names. Probably they are to be understood through the seasons which comprise them.

The sun is mainly responsible for days and nights. The nights are meant for the rest and days for exertion. Eighteen nimeṣas (twinklings of the eye) are one Kāṣṭhā, thirty Kāṣṭhās

1. Manu. 4, 102, 103; 105, 115
2. Manu. 1, 38
3. Ibid., 11, 114
4. Ibid., 6, 11, 23; 3. 273, 281
5. Ibid., 1, 30
6. Ibid., 3, 281
7. Ibid., 6, 23
8. Ibid., 4, 102
9. Ibid., 3, 267-271
10. Ibid., 7, 182
11. Ibid., 6, 15
12. Ibid., 4, 95-96

one Kalā, thirty Kalās one muhūrta and as many (muhūrtas) one day and night.[1] The moon is the creator of months and fortnights. These two fortnights[2] of a month are due to the gradual waning and waxing of the lunar digit. The moon Waxes during fifteen days and wanes during fifteen days. The complete disappearance of the moon is called Amāvasyā and the night when the moon shines with all her digits complete is known a Paurṇmāsī (full moon). The first appearance of the moon, after Amāvasyā is called new moon.[3] The bright fortnight is called Śuklapakṣa whereas the dark fortnight is known as Kṛṣṇapakṣa.[4] Snātaka should recite the Vedas during the bright halves of the months and duly study all the Aṅgas of the Vedas during the dark fortnights.[5] Prātaḥ savana, (morning extraction) Mādhyandina savana (midday extraction) and Tṛtīyasavana respectively marked the beginning, middle and termination of the day, in a soma sacrifice.[6] The movement of the sun divided the year into two parts named Uttarāyaṇa and Dakṣiṇāyaṇa. When the sun progresses to the north, it is called Uttarāyaṇa and when it goes southwards it is known as Dakṣiṇāyaṇa.[7] Besides, the whole cycle of universe is divided into four yugas (ages) viz. The Kṛta, the Treta, the Dvāpara, and the Kali.[8] The span of life of a man in Kṛtayuga was four hundred, in Tretā three hundred, in Dvāpara two hundred and in Kaliyuga one hundred years.[9] The cause of this difference in the span of lives in different yugas lay in the fact that the Dharma disappeared gradually in the succeeding ages.[10] Moreover, in the Kṛta age the chief virtue was the performance of penance, in the Tretā divine knowledge, in the Dvāpara the performance of sacrifices, in the Kali liberality alone.[11] The twelve thousand years of the gods being multiplied by seventy-one formed a Manvantara (the period of Manu). The Manvantaras, the creations and destructions

1. Manu. 1, 64-65
2. Manu. 1, 66
3. Ibid., 4, 128
4. Ibid., 4, 98
5. Ibid.,
6. Ibid., 6, 22, 24
7. Ibid., 1, 67
8. Ibid., 1, 85
9. Ibid., 1, 83
10. Ibid., 1, 81-82
11. Ibid., 1, 86

(Pralaya) are described as innumerable. These processes are continuously revolving.[1] Thus a minute description of the climate and of the time along with their divisions, is given in the Manusmṛti.

Flora and Fauna:

The Manusmṛti mentions a great variety of trees, plants, herbs, shrubs, roots and flowers at different places. The fact that plants have life and consciousness was known to the author of the work. These plants which are surrounded by multiform darkness, the result of their acts in former existences, possess internal consciousness and experience pleasure and pain. All plants (Udbhija) propagated by seed or by slips grow from shoots annual plants (Oṣadhi), are those which, bearing many flowers and fruits, perish after the ripening of their fruits. These trees which bear fruits without flowers are called Vanaspati but those which bear both flowers and fruits are called Vṛkṣa. But the various plants (Guccha and Gulma) with many stalks growing from one or several roots, the different kinds of grasses, climbing plants and the creepers spring all from seeds or slips.[2] The Manusmṛti also alludes to the different parts of a tree such as the root (Mūla), the stem, (Kāṇḍa), the twig (Valśa), the flower (Puṣpa) and the fruit (Phala).[3] In addition to these parts trees possess a skandha (corona), śākhā (branches) and leaves (Parṇa).[4]

The names of some of important trees that occur in the text are Palāśa (Butea monosperma), Bilva (Aegle marmelos), Vaṭa (Banyan). Khādira (acaciacatechu) Pīlū, Udumbara (Ficus-glomerata),[5] Nyagrodha (Ficus Indica),[6] Aśvattha (Ficus religiosa) Kiṁśuka (Butea Frondosa), Sālmalī (Salmalia malabrica), Sāla, (Shorea Robusta), Bamboo, Śami (Acacia Suma), Palmyrapalms. A Brahmin should have his staff made of Bilva or Palāśa, a Kṣatriya of Vaṭa or Khadira; and Vaiśya of Pīlu or Udumbara.[7] Nyagrodhas, Aśvatthas, etc. were considered

1. Manu. 1, 79-80
2. Manu. 1, 46-49
3. Ibid., 1, 46-48; 4, 73; 3, 227; 5, 40
4. Ibid., 4, 49
5. Ibid., 2, 45
6. Ibid., 8. 246-47, 396
7. Ibid.

very useful for the marking of boundaries.[1] The board used by washer-man for washing the clothes was made of Sālmalī wood.[2] There were also trees from which milky juices were obtained, viz. Arka (Catatropis Gigantea).[3] Trees were even planted for money.[4]

Among shrubs and herbs are mentioned cane plant,[5] reed[6] Muñja, Kuśa, Aśmantaka, Balbaja, and Darbha and the like.[7] The Kubjaka thickets are to be planted for marking of boundaries.[8] For drinking Surā one should drink milk in which the Śaṅkhapuṣpī plant has been boiled for five days.[9] A decoction of the Brahmasuvarcalā plant is prescribed as a penance for one who eats what is left by a cat, crow, etc.[10]

Vegetables are very frequently mentioned in the Manusmṛti. They are listed among things which could be given as parting gift to a teacher by his student.[11] A snātaka should not reject vegetables if they are voluntarily offered.[12] The manes if satisfied by the vegetable called Kalaśāka, remain so for endless years.[13] The vegetables like Bhūstṛṇa and Śigruka were forbidden for hermits but otherwise used by the householders.[14] A large quantity of vegetables are to be purified by sprinkling of water whereas a small quantity is purified by washing them.[15] As many rules prohibiting the use of meat occur in ancient work, it can be deduced that a sufficient number of people subsisted on vegetables.

Flowers and fruits are mentioned several times in the text. But the Madhuka[16] and Lotus[17] flowers are mentioned by name. Garlands were made by flowers.[18] Ariṣṭha, Bela, Śleṣamāntaka and Selu[19] fruit are referred to in the work. Blankets must be cleaned by pounded Ariṣṭha fruit whereas Aṁśupaṭṭas with

1. Manu 8, 246
2. Manu 8, 396
3. Ibid., 8, 246
4. Ibid.,
5. Ibid., 8. 327; 5, 40, 8, 247
6. Ibid., 8, 247
7. Ibid., 2, 43; 11, 149, 167; 3, 101, 256, 279; 4, 36, 250; 5, 216
8. Ibid.
9. Ibid., 11, 148
10. Ibid., 11. 160
11. Ibid., 2, 246
12. Ibid., 4, 250
13. Ibid., 3, 272
14. Ibid., 6, 14
15. Ibid., 5, 119
16. Ibid., 11, 95
17. Ibid., 7, 188
18. Ibid., 8, 330-31; 11, 71
19. Ibid., 5, 6.

Bela fruit.[1] Śleṣmāntaka fruit is forbidden for a hermit.[2] A hermit may constantly subsist on flowers, roots and fruits.[3] A fine of one hundred paṇas is prescribed for one who steals roots and fruits.[4] A hundred Ṛcās must be muttered for cutting fruits, trees, shrubs, creepers, lianas of flowering plants.[5]

Gardens, forests, natural and artificial groves also existed in ancient times. A dispute regarding the boundary depended upon the evidence of neighbours.[6] He who by intimidation possessed himself of another's garden was fined five-hundred paṇas.[7] In the third stage of life, a householder was supposed to resort to the forest. Duly controlling his senses, he used to offer herbs, roots and fruits to gods.[8] These herbs, roots and fruits were found in abundance in the forests. Old gardens, forests, natural and artificial groves were protected by the soldiers from thieves.[9] Hunters, fowlers, herdsmen, fishermen, root-diggers, snake-catchers, gleaners and others were inhabitants of the forest.[10] Loss of caste was caused by the selling of tank, garden, etc., by injuring plants by cutting down green trees for fire wood.[11] On all sides of a village a space, one hundred dhanuṣa or three samyā-throws (in breadth), were reserved for pasture and thrice that space round a town.[12] These grounds were considered as indivisible property of villages or towns.[13]

The Fauna:

A number of animals have been mentioned in the Manu-smṛti. Domestic beasts are called 'grāmya paśavaḥ' whereas wild beasts are called 'āraṇaya paśavah. Cattle, deer, carnivorous beasts with two rows of teech, Rākṣasas etc. are born from the womb (jarāyuja).[14]

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1. Manu 5, 120
2. Manu 6, 14
3. Ibid.. 6, 21-25
4. Ibid., 8, 331
5. Ibid., 11, 143-144
6. Ibid., 8, 262
7. Ibid., 8, 264
8. Ibid., 6, 2, 3,
9. Ibid., 9, 266
10. Ibid., 8, 260
11. Ibid,, 11, 62, 64-65
12. Ibid., 8, 237
13. Ibid., 9, 219
14. Ibid., 1, 43

(a) *Domestic Animals*:

Among domestic animals, the cow was the most important animal. It appears that cows of various colours were in existence because Manu refers to white cows.[1] She was considered as an object of reverence. It is laid down that a snātaka should not step over a rope to which a calf was tied.[2] He should not void urine in cow-pen or void faeces or urine facing cows. By doing so, he would lose his intellect.[3] He should not interrupt a cow who is sucking her calf nor tell anybody of it.[4] To ride on the back of cows is anyhow a blamable act.[5] A Brahmin who is impure must not touch a cow with his hand.[6] He should not offend cows.[7] For drinking surā, he may drink cow's urine, cowdung boiling hot until he dies.[8] He who has committed a minor offence by slaying a cow shall drink during the first month a decoction of barley-grains, having shaved all his hair and covering himself with the hide of the slain cow, he should live in a cow-house.[9] He should not say a word if a cow eats anything in his own or another's house or in a field or on the threshing floor, or if a calf drinks milk.[10] He should first shelter the cows according to his ability, during heat, rain or cold and then seek shelter for himself.[11] By serving the cow he removes within three months the guilt which he incurred by killing a cow. After the performance of the penance, he should give to Brahmins learned in the vedas ten cows and a bull.[12] Food smelt by a cow was not considered fit for eating.[13] She was very useful for milk products such as ghee, curd, clarified butter.[14] The cow also finds place among the articles of dakṣiṇā.[15] Other animals belonging to this family were the ox,

1. Manu 11, 131
2. Manu 4, 38
3. Ibid., 4, 45, 48, 52
4. Ibid., 4, 58, 59
5. Ibid., 4, 72
6. Ibid., 4, 142
7. Ibid., 4, 162
8. Ibid., 11, 92
9. Ibid., 11, 109
10. Ibid., 11, 115
11. Ibid., 11, 114
12. Ibid., 11, 116-17
12. Ibid., 4. 209
14. See Food and Drinks
15. Ibid., 2, 246; 4, 231, 233

the buffalo and the bull.[1] The giver of draught ox obtains good fortune.[2] The oxen were yoked to the plough for agriculture. The buffalo's milk was also used and ghee was prepared for use in homes. The ploughing of land was also done by the bull. For killing an elephant, he should give five black bulls.[3]

The goat and sheep are frequently mentioned in the text. They were given in dakṣiṇā. The meat of long-eared white goat and of a red goat, satisfied the manes for twelve years and for endless time respectively.[4] A shepherd used to take care of sheep.[5] For injuring sheep and goats the fine shall be five māṣas.[6]

Next in importance to the cow and the ox, was the horse. It was used both as a means of transport and an article of sacrifice.[7] The Manusmṛti refers to a person who worked as a trainer of the horses.[8] An ignorant man who accepted the gift of a horse was thought to be quickly reduced to ashes.[9] By giving a horse one attains the world of Aśvins.[10] The horse, one must know to be pure to the touch.[11] A horse is never lost to the owner If used with friendly assent.[12] A man will incur guilt if he kills a horse.[13] Killing a horse must be regarded to degrade the offender to a mixed caste (Saṁkarīkaraṇa).[14] For his purification the slayer of a Brahmin may offer a horse sacrifice (Aśvamedha).[15] For killing a horse, he shall give a garment in penance.[16] By suppressing his breath (Prāṇāyāma), a man becomes pure if bitten by a horse.[17] The ass and the mule which belong to the species of horse are also mentioned.[18] Carriages were also drawn by asses.[19]

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1. Manu. 3, 162, 166, 270
2. Ibid., 4, 231
3. Ibid., 11, 137
4. Ibid., 3, 271-272
5. Ibid., 3, 166
6. Ibid., 8, 298
7. Ibid., 11, 75
8. Ibid., 3, 162
9. Ibid., 4. 180
10. Ibid., 4, 231
11. Ibid., 5, 133
12. Ibid., 8, 146
13. Ibid., 8, 296
14. Ibid., 11, 69
15. Ibid., 11, 75
16. Ibid., 11, 137
17. Ibid., 11, 199
18. Ibid,, 12, 55; 11, 137, 155, 157, 200
19. Ibid., 12, 202

Other domestic animals referred to in the work are camel,[1] elephant,[2] dog,[3] cock,[4] pig[5] and cat.[6]

(b) *Forest-Animals* :

Among forest animals, lion (siṁha),[7] tiger (Vyāghra), wolves (Vṛka),[8] jackal,[9] hog,[10] deer,[11] tortoise,[12] (Kūrma),[13] wild cat (Biḍāla), frog (Maṇḍūka), mouse (Ākhu),[14] mangoose,[15] monkey,[16] bear,[17] boar (Varāha),[18] rhinoceros (Khaḍga),[19] hare (Śaśa), iguna (godhā),[20] snake (Sarpa)[21] porcupine (Svavidha), hedgehog (Śalyaka),[22] are mentioned. Many kinds of deer are mentioned by the Manusmṛti in the description of upanayana ceremony. It is laid down that a student should wear as upper dresses the skins of black antelopes (eṇa) if he is Brahmin, spotted deer (Ruru), a Kṣatriya and he-goat, a Vaiśya.[23] The manes are said to be satisfied for six months with the flesh of kids, (Chhāga), seven months with that of spotted deer, (pṛṣat), eight months with that of black antelope (Eṇa),[24] The snake (Sarpa) is often mentioned in the smṛti. The vedic study should be stopped if a snake passed between the teacher and the taught.[25]

Animals have been classified under two heads—those having single row of teeth and those having double.[26] Similarly they are also classified as one-hoofed species and cleft-footed species.[27]

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1. Manu. 4, 115; 11, 155
2. Ibid., 3, 162, 274
3. Ibid., 4, 115, 126; 11, 132
4. Ibid., 11, 157
5. Ibid., 11, 155, 157
6. Ibid., 4: 125, 195: 11, 132, 160
7. Ibid., 7, 106
8. Ibid., 12, 67
9. Ibid., 4, 115; 11, 199
10. Ibid., 3, 190
11. Ibid., 3, 268-69
12. Ibid., 3, 270; 5, 18
13. Ibid., 11, 154
14. Ibid., 4, 126
15. Ibid., 12, 67
16. Ibid.
17. Ibid., 3, 270; 11, 154
18. Ibid., 3, 272: 5, 18
19. Ibid., 3, 270; 5, 18
20. Ibid.. 5, 18, 132
21. Ibid., 4, 126
22. Ibid., 5, 18
23. Ibid., 2, 41
24. Ibid., 3, 269
25. Ibid., 4, 126
26. Ibid., 1, 39, 43
27. Ibid., 5. 8

Birds :

Almost every bird is mentioned in the smṛti which shows the interest of the writer in the zoological field. The birds are called Aṇḍajāḥ as they are born from eggs. The meat of the sparrow (Kalaviṅka), the Plava, the Swan (Haṁsa) the Brāhmaṇī duck (cakravāka), the village cock (Grāmya-Kukkuṭa), the crane (Sārasa), the Rajjudāla (a kind of crow), woodpecker (dātyūha), the parrot (Śuka), the starling (Sārikā) and the Parra - jacana (Ṭiṭṭibha), is forbidden for a person. Describing the characteristics of the birds, the author observes that some birds feed striking with their beaks, some are web-footed, some scratch with their toes (Koyaṣṭi), some *dive* and live on fish. They should be avoided for eating. Besides meat of Baka and the Balākā crane, the raven (Kakolam). the Khañjarīṭaka should also be avoided.[1] One should not eat unknown birds.[2] Birds were also slain for sacrifices.[3] Food which has been pecked at by birds becomes pure by scattering earth over it.[4] A girl having her name after a bird should not be married. The bride to be should possess the graceful gait of a Haṁsa (Swan).[5] In the Bali offerings some food should be gently placed on the ground for crows.[6] Eating of sacrificial cake by a crow was not considered good.[7] He who does not offer food to infants, etc., will be eaten by dogs and vultures.[8] A bird fancier should not be invited at a Śrāddha.[9] Sometimes people derived pleasure from the birds.[10] The king should march on the road arraying his troops like a Garuḍa.[11] Killing of birds just for fun, is not approved by the lawgiver. For killing a crow, he should perform the penance for the murder of a Śūdra.[12] For killing a partridge (Kapiñjala), Brahmin shall give a droṇa sesamum

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1. Manu. 5, 11-14
2. Ibid. 5, 17
3. Ibid. 5, 22
4. Ibid., 5, 125
5. Ibid., 3. 9-10
6. Ibid., 3, 92
7. Ibid., 7, 21
8. Ibid., 3, 115
9. Ibid., 3, 162
10. Ibid., 7, 23
11. Ibid.. 7, 187
12. Ibid., 11, 132

grains, for a parrot a calf two years old, for a crane a calf three years old.[1]

Other birds which are mentioned in the work are a peacock (barhiṇam), a falcon (Śyena), bhāsa,[2] tailapāka, mason wasp, francolin patridge, black and white cuckoo,[3] blue-jay (Caṣa).[4]

Aquatic Animals:

From eggs are born crocodiles, fishes, tortoises, as well as similar terrestrial and aquatic (animals).[5] The fish called Mahasalaka was offered to manes at the time of Śrāddha.[6] If voluntarily offered one should not reject a fish.[7] At the same time Manu states that he who eats fish is an eater of every kind of flesh so he should avoid fish. The law code speaks of a variety of fishes. The fishes called Pāthīna and Rohita may be eaten by the guest when offered at a repast in the honour of the gods or the manes. On all occasions he may eat Rājīvas, Siṁhatuṇḍas and Sasalkas of every species.[8] Thus fish was used as food by the people. The flesh of tortoise was considered as eatable.[9] Frogs[10] are also mentioned. Manu prescribes penance for killing a frog.[11]

Insects :

Among insects a mention is made of large and small worms and beetles, moths, lice, flies, bugs, all stinging and biting insects like mosquito (Maśaka) etc.[12] From hot moisture spring stinging and biting insects, lice, flies, bugs, and all othes creatures of that kind which are produced by heat.[13] This points to a minute observation of the creatures on the part of people in ancient India. Bees[14] and honey are often referred to in the book.

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1. Manu. 11, 135
2. Ibid., 11, 136, 12, 65
3. Ibid., 11, 66-67
4. Ibid. 11, 132
5. Ibid., 1, 64
6. Ibid., 3, 272
7. Ibid., 4, 250
8. Ibid., 5, 15
9. Ibid., 3, 270: 5, 18
10. Ibid., 4, 126
11. Ibid., 11. 132
12. Ibid., 1, 40
13. Ibid., 1, 45
14. Ibid., 11, 241

3

Social Structure and Society

The laws of Manu gives us voluable insight into the manifold problems relating to the existing social structure and the society.

(a) *Varṇa-System* : The Varṇa-system was the key-note of the social organization. According to this system society was divided into four varṇas viz., the Brahmin, the Kṣatriya, the *Vaiśya and the Śūdra.*[1] *Manu categorically asserts that there* is no fifth varṇa besides the above-mentioned four Varṇas.[2] These classes had maintained themselves in substance hereditarily distinct, and also separate in occupations, pursuits and employment.

This four-fold classification of men agrees with the one given in the Puruṣa-sūkta of the Ṛgveda.[3] But Manu, in agreement with the Vedas, the Brāhmaṇas, the Kalpasūtras and others, invariably places the Brahmin Varṇa at the top of the social set-up by virtue of its origin from the mouth of Brahmā.

Other Varṇas were produced from the arms, stomach and feet of the creator. The division of the social functions of these varṇas is described several times in the Manusmṛti, plainly pictured from the reality. The description itself betrays an advanced stage of civilization. However, it may not be unreasonable to assume that the Brahmins were a sacerdotal class, sprung originally from one family or group of families; the Kṣatriyas a hereditary aristocracy,[4] the rulers and administrators of the land; the Vaiśyas who engaged them-

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1. Manu. 1, 31
2. Ibid., 10, 4; Yāj. 1.10: Baud. Dh. S. 1.16, 1: Vas. Dh. S. ii. 1-2
3. Ṛgveda 90, 12
4. Manu. 1, 88-89

selves in the more respectable and well-to-do occupations of working life, such as agriculture, cattle-rearing, trade, etc.,[1] in fact the capitalists of a primitive society, succeeded in maintaining the privilege of birth; the Śūdras, a comparatively servile class,[2] composed of all lower ranks of Aryans, and perhaps of subject aborigines.[3] It seems more reasonable to suppose that it would remain, as a rule, undistinguished from the general mass of the unprivileged and so would go to swell the body of Śūdras. There appeares to have been, too, a lower social stratum still not dignified by the designation of caste, the members of which were slaves to the Śūdras or perhaps some Śūdras managed to attain to a position of wealth and freedom, and then could command the services of other Śūdras, as if themselves actually members of a higher class.

Besides these four principal castes, and in a sense comprehended within them, was a very considerable body of so called mixed castes,[4] arose from the irregular intermingling with the others: but Manu betrays the true causes of their formation and perpetuation when he says that they may all be known by their occupations.[5] It is well known that in all the countries during the earlier stages of civilization there is a universal tendency in the various business and occupations to be hereditary; as the father is, so is the son, and it is seldom that any one takes up, or indeed has the opportunity of engaging in a business different from that followed by his father; marriages also commonly take place within the limits of the families which pursue the same avocation, and every man is known or spoken of by the name of his calling; viz., Smith, Pinder. In India, even at this day, the family has not yet disintregrated into its constituent members.[6] Individuals held together in a family were connected together in groups

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1. Manu. 1, 90
2. Ibid., 1, 91
3. Ramgopal: "India of Vedic Kalpasūtras", p. 115
4. Manu. 10, 8
5. Ibid., 10, 40
6. Indian Antiquary, p.

by the operation of the forces of conservation which have long ceased to exist in the western Aryan races.

Given a community of origin, whether personal, local or other, sufficiently marked to constitute a characteristic, and a community of occupation or situation, the elements are present out of which a caste with its own peculiar customs and traditions will grow; and castes do in this way originate under our eyes, even in these modern times. It is obvious that mixed castes of Manu are essentially different in kind from the great tribal castes of Brahmins, Kṣatriyas, Vaiśyas and Śūdras. They are in truth, rather sub-castes than mixed castes, and bear the same relation to tribal castes which the genre of plants in botany do to the classes. Also it seems probable that the very reason which gave rise to sub-caste designation, would generally in the long run cause it to prevail over the tribal. With the great body of people, the family and occupation must have been of a greatly more distinguishing importance than the tribe. It would mainly be the upper classes of society who wanting in the particular discriminating element furnished by employment, would keep up the distinction of tribe.[1]

It might perhaps be imagined that the religious rite of institution and privilege attached to its observance of wearing the thread, which marked off the three Aryan tribal divisions from the Śūdras, and constituted the quality of twice-born would have been clung to and never lost. Nevertheless it was not so: for Manu himself says, "But in consequence of the omission of the sacred rites, and their not consulting the Brahmins, the following tribes of Kṣatriyas have gradually sunk in this world to the condition of Śūdras viz,[2] the Pauṇḍrakas, the Kodas, the Dravidas, the Kambojas, the Yavanas, the Śakas, the Pāradas, the Pahlavas, the Chīnas, Kirātas and the Daradas. All these tribes in this world which are excluded from (the community of) those born from the mouth, the arms, the thighs and the feet (of Brahman) are called Dasyus whether they speak the language of the Mlecchas (barbarians) or that of the Aryans. Those

1. Indian Antiquary
2. Manu. 10, 43-46

who have been mentioned as the base-born offspring (apasada) of Aryans, or as produced in consequence of a violation shall subsist by occupation reprehended by the twice-born. He also discloses the fact that the course process was going on in his time when he says "By the power of austerities and of the seed (from which they sprang), these (races) obtain here among men more exalted or lower rank in successive births.[1] In another passage Manu declares: if (a female of a caste) sprung from a Brahmin and a Śūdra female bear (children) to one of the highest caste, the inferior (tribe) attains the highest caste in the seventh generation.[2] It was a principal object with Manu to glorify the Brahmins and to preserve the purity of the twice-born classes by restraining mixed marriages as far as possible. It therefore lay upon him to make out that cross-breeding, so to speak, was the sole and efficient cause of all caste distinctions. But it seems apparent, on his own showing that there were natural forces in action under which sub-castes gradually arose, grew, and altered their relations interse. The course which society hitherto run can be readily imagined. There had been a period of time during which the Aryans had developed into three broad hereditary classes, a sacerdotal class, an aristocracy and a free plebeian class, while a fourth class comprised all who were foreign subjects or not free.[3] But the development did not end here; this arrangement could not possess finality. For instance, an ever increasing, an exclusive aristocracy could not possibly, in its integrity maintain its place, and accordingly the Kṣatriyas had, as we may infer from the passage quoted above, early broken down. Something of the like kind had evidently happened to the Brahmins, for many passages of the Law-book are directed to the saving of class among Brahmins, as well as the members of the other twice born classes, who under emergency might take to secular or abnormal persuits. He who when in danger of losing his life, accepts food from any person what-so-ever, is no more tainted by sin than the sky by mud.[4]

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1. Manu. 10, 42
2. Ibid., 10, 64
3. Senart: caste in India, (Tr. by Ross, 1930), pp. 122-122
4. Manu. 10, 104

Then followed a second period when the small sub-castes dropped wholly out of them, as in the case of Kṣatriyas mentioned by Manu; and were indistiguishable by privileges, took care to attach themselves to the class of highest reputation, namely, the Brahmins. There was no longer any cause effective to separate the three privileged classes of Brahmins, Kṣatriya, Vaiśyas, when each had broken into sub-castes and neither of them, except in a degree the Brahmin, retained any exclusive area of employment. All that was then the line of demarcation between those who claimed to be privileged and those who were not privileged. In the end all the former came to be reckoned Brahmins and all the latter--Śūdras, Kṣatriyas and Vaiśyas having disappeared as distinct classes.[1]

While discussing about the origin of mixed castes (Varṇa-saṁkara), Manu seems to have clarified the distinction between varṇa (caste) and jāti. He lays down "Sons begotten by twice-born men on wives of the next lower castes, they declare to be similar (to their fathers but) blamed on account of the fault (inherent) in their mothers.[2] This law is applicable to children of a wife from a varṇa only one degree lower than her husband's.[3] The real mixture of varṇas (Varṇasṁkara) therefore arises with offsprings born of a woman two or three digrees lower. Thus the son born of a Brahmin father and a Vaiśya mother would be called an Ambaṣṭha; that born of a Brahmin father and a Śūdra mother would be called Niṣāda, and so on.[4] The mixture of varṇas takes place in other ways also. Of a Kṣatriya father and a Brahmin mother spring issues belonging to the Śūdra caste; children born of a Vaiśya father and Ksatriya mother or a Brahmin mother, belong to Māgadha and Videha castes respectively; and so on.[5] And intermarriages between these new castes give rise to newer and newer castes, so that the process goes on multiplying.[6] Thus, the Sūta the Māgadha, and the Vaideha are so named according to their jāti (Jātitaḥ). In this connection, the term varṇasa-

1. Indian Antiquary
2. Manu, 10. 6
3, Ibid., 10, 7
4. Ibid., 10, 11-13; Yaj. i, 193-94; Vis, xvi. 4-6
5. Ibid., 10, 18-45
6. Ibid , 10, 11

ṁkara (Mixture of Varṇas) is also used by Manu.[1] Though he refers to four varṇas only, he mentions about fiftyseven jātis, as a result of varṇasaṁkara.[2] Senart has shown that the word 'Ārya varṇa' in the Ṛgvedic literature, is used to distinguish Aryans from the Dāsa varṇa, the enemies of the Aryans.[3] But later on, the word varṇa was applied to more numerous categories. It denoted only the four castes (varṇas).[4] The castes which did not correspond with the four-fold divisions into varṇas, were designated by the term 'jāti.[5] This interpretation given by Senart agrees with that of Manu.

Manusmṛti and other codes elaborately discuss the subcastes that belonged to the Śūdras owing to intercaste marriages.[6] According to Zimmer Śūdra was perhaps the name of an important non Aryan tribe of India.[7] But in course of time it was applied to all the non-Aryan tribes of ancient India[8] viz., Yavana, Kamboja, Khasa, etc.

Thus there seems to have existed two groups in the society; one of Aryans and other of Śūdras. Aryans were also known as dvijas because they had two births : one from the womb of the mother and the other from the guru, after the investiture ceremony. In the beginning these varṇas were based on functions but in the days of Manu they became hereditary.

The status and duties of the Brahmins :

A very large portion of the Manusmṛti is devoted to the instructions of Brahmins in their proper daily conduct throughout the whole period of life from cradle to the grave. The picture thus sketched out may rightly be taken to represent the ideal perfection of man of that day. Manu places the Brahmin varṇa at the top of the social system by virtue of its origin.[9] Defining a true Brahmin Manu says that undoubtedly a Brahmin reaches the highest goal by muttering prayers only; whether he performs other rites or neglects them, he

1. Manu. 10, 12; Yāj. i. 90-91
2. Prabhu (P.N.) Hindu Social Organization. p. 303
3. Senart; op. cit., pp. 122-23
4. Ibid., p. 128
5. Ibid., pp. 128-29
6. Manu. 10, 7-19; Yāj. I. 91-95
7. Zimmer, Alt. Leb. p. 216, Weber. Ind. Stud. xviii, 85, 255; Vedic Index II. 391ff.
8. Ramgopal: op. cit., 116
9. Manu. 1, 93

who befriends all creatures, is declared to be a true Brahmin.[1] The word Maitraḥ used in this context is differently explained by the commentators. He is by right the lord of all creation as he sprang from (Brahmā's) mouth and as he possessed the Veda.[2] He is described as the most excellent of the intelligent mankind and men.[3] His very birth was meant for the protection of the treasure of the law.[4] Thus their pre-eminence was established not only over the varṇas but over all the created beings.[5] The great grammarian Patañjali also speaks about the superiority of the Brahmins when he says that in a compound, words like Brahmin, Kṣatriya Vaiśya and Śudra take the first, second, third and fourth position according to their status in the social set-up.[6] Brahmins, through whose mouths god continuously consume sacrificial viands and manes, the offerings to the dead, were considered unsurpassable by the created beings.[7] A Brahmin was considered as the very incarnation of dharma on this earth.[8] He does not depend on others; eats but his own food; wears but his own apparel; bestows but his own in alms. Other mortals subsist only thanks to the benevolence of the Brahmins.[9]

Analysing the causes of the superiority of the Brahmin varṇa, Motwani[10] observes that it was due to the theory of their divine origin. His intellectual superiority could have also added to his pre-eminence. Finally virtuous conduct combined with the above mentioned qualities must have strengthened his claims. A Brahmin who departed from the rule did not reap the fruit of Veda but who duly followed it would obtain the full reward.[11] Self control was also accepted the most important quality of a Brahmin. "A Brahmin who completely governs himself, though knows only Sāvitrī, it better than he

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1. Manu. 2, 87
2. Ibid., 1, 93, 130
3. Ibid., 1, 96
4. Ibid.
5. Nilkantha Shastri (K.A.) Comprehensive History of India, pp. 459-60
6. Patañjali: Mahābhāṣya. 2.2.2; 5.1
7. Manu. 1, 95
8. Ibid., 1, 98
9. Ibid., 1, 101
10. Motawani: Manu Dharma Śastra, p. 93
11. Manu. 1, 109

who knows the three Vedas (but) does not control himself, eats all (sorts of) food and sells all (sorts of goods).[1] In the introduction to the Mahābhāṣya, Patañjali stresses the need of a good knowledge of grammar for the śiṣṭas as it brings enlightenment, and is the best preservative of their moral cultural integrity.[2] Penance, learning and birth were the three essential qualities of a Brahmin, lack of which relegated him to the category of a jāti Brahmin (Brahmin by birth).[3] This was an indicative of the superiority of a learned or spiritually advanced Brahmin over an ordinary Brahmin, Manu fully substantiates the above mentioned view of Patañjali.

The Milindapanha, like other Buddhist texts, declares, "A Brahmin is one who is endowed with high, good, healthy and divine ideas; who knows the state of affairs of his previous birth; who has dispelled all his doubts and illusions; who has vanquished greed; who has freed himself from the circle of birth and death and will not be reborn; who has become pure after destroying evil notions and attachment once for all and who remains content within himself without depending upon others; who studies himself and teaches others; who accepts alms; who restrains his senses; who is wedded to his duty; and who maintains the high ideals of family.[4] This model of a Brahmin leans heavily on the virtuous conduct of a person than his birth. The Vajra-Sūcī upaniṣad repudiates the idea that a person's varṇa is determined by his birth and establishes that a person is Brahmin neither by his birth nor by his knowledge but by his conduct.[5]

Sometimes colour could also be the determining factor of a person's varṇa. Patañjali considers him to be a Brahmin who is of white complexion and the rest as non-Brahmins.[6] The word used in this context is Śukla bhāsvara which can denote either 'white brilliant' or 'clean brilliant'. But there were many examples where brahmins are described as black-complexioned

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1. Manu 2, 118
2. Puri: India in the Time of Patañjali; p. 89
3. Patañjali: Mahābhāṣya. 2.2.2.1
4. Milindapañha. iv. 5, 26, p. 220; 5, 27, 231
5. Vajrasūci Upaniṣad; 1, 4, 9
6. Joshi (L), Rajwade Lekha Saṅgraha, pp. 63-64

or red-complexioned. Here we may take the example of Yama and Agni who are described as having śyāma complexion and red complexion respectively.[1] If this be correct, then only the second interpretation of the term will make sense. Manu's colour distinction among castes can also be understood in this very spirit.

Manu prescribes teaching, studying, sacrificing for himself, sacrificing for others, making gifts and receiving them as the lawful acts for a Brahmin. But in the very next injunction he says that among the six acts three are his means of subsistence, sacrificing for others, teaching and accepting gifts from pure men.[2] The remaining three can be described as his chief duties. These duties made the life of a Brahmin full of penance and disciplined. The study of the Vedas was his chief duty and all others were secondary.[3] Therefore he should study them with zeal and efforts. He should avoid all wealth which impedes the study of the Veda because the Veda-study secures the realization of his aims.[4]

A Brahmin was required to perform sacrifices for his welfare. He who untiringly performs daily rites prescribed for him in the Veda, according to his ability, attains to the highest state.[5] He should always perform the five great sacrifices (Pañca-Mahāyajñas) if he is able to perform them. These sacrifices are ṛṣi yajña, deva-yajña, bhūta-yajña, nṛ-yajña and pitṛ-yajña. Some men who know the ordinances for sacrificial rites, always offer these great sacrifices in their organs of sensation without any external efforts. Knowing that the performance of the sacrifice in their speech and their breath yield imperishable rewards, some always offer their breath in their speech and their speech in their breath. These rites are to be performed through knowledge.[6]

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1. Here Joshi proves that the complexion of the Aryans was śyāma.
2. Manu. 10, 75
3. Ibid., 4, 147
4. Ibid., 4, 17
5. Ibid., *4*, 14
6. Ibid., 4, 21-24

We are also told that a Brahmin should always offer the Agnihotra at the beginning or at the end of the day and of the night and the Darśa and Paurṇamāsa (iṣṭis) at the end of each fortnight. Thus Manu refers to various symbolical ways of performing the great sacrifices which are described in the Upaniṣads. When the old grain has been consumed the Āgrayaṇa Iṣṭi with new grain, at the end of the three seasons the cāturmāsya sacrifices, at solistices an animal sacrifice, at the end of the year Soma-offerings. By performing the Āgrayaṇa iṣṭi one gets long life.[1]

Making of gift is the third duty of a Brahmin. By this act he develops selflessness and detachment towards things, He should enjoy his propriety and happiness with others. Hoarding is the cause of many social evils. So Manu seems to believe in socialism. A Brahmin householder must give as much food as he is able to spare to those who do not cook for themselves and to all beings one must distribute food without detriment to one's own interest.[2] At one place Manu counts the Brahmin donor of a thousand cows among those who sanctify a gathering.[3] It was also a duty of a Brahmin to compassionately support an indigent Kṣatriya or Vaiśya, by putting them on work in keeping with their respective Varṇa.[4] The Brahmins were expected to give alms along with others so placed, Later, we have the Śukla Brahmins who claim to accept gifts only from Brahmins and from none e se.

The rise and spread of Buddhism gave a jolt to Brahmanism. Puśyamitra tried to check this onslaught of Buddhism over Brahmanism and restore it to its previous position. The Manusmṛti also consolidates the tenets of Brahmanism. So it is not surprising if this work proclaims the superiority of Brahmins over other varṇas. Jayaswal says that the Mānavaśāstra suffers from its political, social and sacerdotal prejudices. Probably it became the approved code of the Śuṅga regime.[5]

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1. Manu. 4, 25-27
2. Ibid., 4, 32
3. Ibid., 3, 116; 4, 226
4. Ibid., 8, 411
5. Jayaswal (K.P.): Manu and Yājñavalkya, p. 15

The Status and Duties of Kṣatriyas :

The Kṣatriya varṇa was given second place in the social set-up. Kings and warriors were usually recruited from this varṇa. The King surpassed all created beings in lustre (powers or valour) because he was supposed to be fashioned with the particles of the gods.[1] He should not be considered as an ordinary mortal but a great deity in human form.[2] As warriors they protected this world because they were experts in the use of different kind of weapons and in the art of fighting. A close relationship existed between Brahmins and Kṣatriyas. The Kṣatriyas sprang from the Brahmins as fire from water and iron from stone. According to Raghavananda, a commentator of Manusmṛti, the above statement is based on a passage of Chāndogya Upaniṣad where it is declared that in the beginning there was only one varṇa and that was Brahmin varṇa. But the Brahmins were unable to perform all the works. So a need was felt to distribute works among themselves. Those who were engaged in study and teaching of the Veda, were called Brahmin, those who took upon themselves the duty of protection, were called Kṣatriyas and similarly those engaged in agriculture and service of other Varṇas were called Vaiśyas and Śūdras respectively.[3] The glory and success resulting from the co-operation between the Brahmins and the Kṣatriyas is frequently emphasised in the earlier texts.[4] These two (the Śrotriya and the king) are the upholders of the sacred law among men.[5] This close relationship of these two is said to be the most desirable and is conducive to the eminence of both. So Manu[6] lays down that Kṣatriyas prosper not without Brahmins, and Brahmins prosper not without Kṣatriyas; Brahmins and Kṣatriyas, being closely united prosper in this world and in the next.

He commanded the Kṣatriyas to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda) and to

1. Manu. 7, 4-5
2. Ibid., 7-8
3. Ibid., 9, 321
4. Śat. Br. iv. 1.4.6; Tai. S. vii. 5, 23
5. Manu. 3, 22
6. Ibid., Gaut. XI. 14; Vas. XIX. 4

abstain from attaching himself to sensual pleasures. It was the duty of the Kṣatriya to protect people from outer and inner troubles. Abstaning from sensual pleasures was considered as the duty of a Kṣatriya. If he indulges in the enjoyment of sensual pleasure he could not perform his work properly. Rest of the duties were same as that of a Brahmin.

The Status and Duties of the Vaiśyas :

The third Varṇa was comprised of Vaiśyas. Bestowing of gifts, offering of sacrifices and the study of the Vedas, were the three main duties of a Vaiśya.[1] The Brahmins and the Kṣatriyas were superior to him because he was the third in the order of enumeration.[2] He should zealously give food to all created beings.[3]

The Status and Duties of the Śūdras :

The fourth varṇa was made for the service of other three higher varṇas. So the lowest place in the social scale went to the Śūdras. Śūdra has been defined to mean one who grieves; he is called the (child of misery). He is also called the child of tapas (sorrow). Bādarāyaṇa attempts an indigenous derivation of the word by quoting a story. King Janaśruti when exclaimed at first as a Śūdra was refused initiation into Brahmavidyā by the Brahmins. Then he grieved and from his grief (śocana) the word 'Śūdra' took its from.[4] But this derivation is not convincing.[5] Vidhuśekhar Śāstrī derives this word from the *Sanskrit word Kṣudra.*[6] *The view seems to be plausible. But* from the term Śūdra, it is quite clear that those who bore it belonged to a lowly position in the society.[7] The social strati-

1. Manu., 1, 89
2. Ibid., 31
3. Ibid., 9, 333
4. Vedanta Sūtra, xiii. 34
5. Chitra Tiwari: Śūdras in Manu, p. 14
6. Indian Antiquary, Vol. LX., 1922-Śūdra
7. Chitra Tiwari, op, cit., p. 15

fication based on difference of skin-colour is not tenable for the simple reason that the existence of four Bluemen of different race cannot be proved in the people of the Panjab in the Vedic period. Moreover, the black colour of the Śūdra suggests that service is soiled while the white colour of the Brahmin suggests the purity of soul. The profession of the physician and menial work like stone-grinding carried out by the parents of the Ṛgvedic sage cannot place them among the aboriginal Dāsas and Dasyus.

Manu, like the Ṛgveda and the Bhagavadgītā, places the Śūdras alongwith the dvijas in the same stock and clearly distinguishes them from the untouchables who may or may not have belonged to the original extraction of the four varṇas. Moreover, the epithets used for Dāsas and Dasyus could not be applied to Śūdras. Hence, the racial homogenity of the Śūdras with Dvijas proved on the evidences of Manu and other works, rules out the possibility of their having originated from the aboriginal stock. The Śūdras cannot be separated from the other three varṇas on the basis of the racial types of Risley because the Śūdras and the Pariahas have offered better physical features than the Brahmin or the Kṣatriya to the claims of being recognised as representatives of the so-called Indo-European stock. That ethnological approach, if nothing else, has at least established the fact that there is no racial basis for the difference among castes.[1]

Manu, of course, accepts the Śūdras as of the original stock of which the Dvijas formed part, although he refers to another class of Śūdras so formed for want of performance of Vedic rites. Among these could be included Kṣatriyas who were degraded to the status of Śūdras, as well as Pauṇḍrakas, Cauḍras, Draviḍas, Kambojas, Yavanas, Śakas, Daradas, Pahlavas Cīnas, Kirātas, and Khasas. By the time of Manu the Śakas had come to be characterised as Mlecchas and Śūdras.[2] Manu at one place distinguishes between a free Śūdra and a slave Śūdra who could be bought and sold.[3] Free Śūdra (Akrīta)

1. Chitra Tiwari, op. cit., p. 11-13; Manu. 1, 2, 31
2. Manu. 10, 43-45
3. Ibid., 8, 413

was one who could be freed by his master. The slave (Krīta) Śūdra served his master as his chattel and could be sold and bought at will and that act of changing masters or choosing vocations was not of his free will. While a free Śūdra could opt out in accordance with his wish and choice and could not be compelled to continue to serve the same master.[1] It cannot be perhaps wholly denied that some Śūdras were recruited from among the enslaved conquered enemies.[2] Some of the vocational classes like Rathakāras, Karmakāra, etc., that enjoyed respectable status during the Vedic period came to be regarded as Śūdras, i.e., servile caste during the post Vedic and smṛti period.

Manu refers to Śūdras disparagingly in a general way to include those who belonging normally to the three upper castes, had deteriorated through non-performance of duties and rites attached to their castes, those who had fallen to that status through marriage, those who had taken to professions generally persued by Śūdras and those who belonged altogether to the mixed and untouchable classes and those who were outcastes, even Pariahs. In the specific sense the word Śūdra meant those born of Śūdra parents and belonging to the fourth and the lowest main division of the four varṇas.[3]

Manu alludes to seven divisions of Śūdras:[4] he who is made a captive under a standard (Dhvajāhṛtaḥ); he who serves for his daily food (Bhaktadāsa), he who is born in the house (Gṛhaja); he who is bought (Krīta), and he who is given (Dattaka); he who is inherited from ancestors (Paitṛka) and he who is enslaved by way of punishment (Daṇḍadāsa). Gṛhaja is explained by the commentator as the son of a maid servant or a female slave (Dāsīputra). Of these seven kinds of Śūdras at least four appear to have been slaves who could be bought and sold at will. A Brahmin could seize the goods of a Śūdra (Slave) as the letter was not entitled to property.[5]

1. Chitra, Tiwari, op. cit, pp. 22-23
2. Ibid., p. 76
3. Ibid., p. 22
4. Manu. 8, 415
5. Ibid., 417

To serve Brahmins who are learned in the Vedas, the householders famous for virtue was the highest duty of a Śūdra, which could lead to beatitude. A Śūdra who was pure, who served his superiors, with devotion, who was gentle in speech and free from pride and who always sought refuge with Brahmins, attained (in his next life) a higher varṇa.[1]

From the foregoing discussion it is quite evident that in the beginning, caste was formed for the welfare of society. Society was conceived as a body. Just as a body consists of four important parts—mouth, arm, stomach and feet, so society had four constituents in the form of Brahmin, Kṣatriya, Vaiśya and Śūdra. We cannot belittle the importance either of the hand or of the feet. Each limb has to perform a definite function in the body. If any one of the limbs suffers, the other parts will also suffer. So a co-ordination among the four is very essential. Similarly, Brahmins, Kṣatriyas, etc. had to perform works like teaching, protection, etc. for the benefit of society. Hence, there is no question of their being related to higher or lower strata.[2] But at the time of Manu the idea of the origin of the caste from Puruṣa was forgotten with the result that Brahmins came to be considered as human gods and the Śūdras the most wretched beings on the earth. Manu is definitely hostile to Vaiśyas and Śūdras. He shows an extreme form of brahmanical fanaticism.[3] In him we see a desperate attempt for the preservation of brahmanical society against the activities of heretical sects and the inclusion of foreign elements such as Bactrians, Greeks, Śakas, Parthians and Kuśāṇas. This was due partly as a reaction to pro-Buddhist policy of Aśoka and partly to the hand of new people, to preserve brahmanical society by ordaining rigorous measures against Śūdras and by inventing suitable genealogies for incorporatiog foreign elements into varṇa society.[4]

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1. Manu. 9, 334-335
2. Laksmi Thakur: Pramukha Smrtiyon kā Adhyayana, pp. 85-86
3. Sharma R.S.: Śūdras in Ancient India, p. 175
4. Ibid., p. 176

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Asramas and Samskaras

(a) *Āśrama-Scheme* :

Closely related to Varṇa-system is the Āśrama-scheme. The Varṇa-system is an attempt to organise society while the Āśrama scheme endeavours to create conditions for the uplift and welfare of the individual. The Āśrama institution is very ancient in character. The word Āśrama is derived from the root śram with the affix ā. It means an all-round development of personality of an individual in the different stages of life, the Brahmacharya, the Gṛhastha, the Vānaprastha and the Sannyāsa.[1] The Brahmacarya is meant for the acquisition of knowledge of the śāstras; the Gṛhastha for earning and enjoyment; the Vānaprastha for meditating in the forest after leaving the house; the Sannyāsa for renouncing every thing.

The Āśrama institution is very important in character as it is referred to in many ancient works. Its seeds can be seen in Vedic words like Brahmacārī,[2] Gṛhapati[3] and Vaikhānasa,[4] frequently occurring in the ancient texts. The Chāndogya Upaniṣad indirectly refers to the existence of four āśramas.[5] Here, Brahmacāryācāryakulavāsī, alludes to the Brahmacaryāśrama; Yajña, Adhyayana, and Dāna denotes Gṛhasthāśrama; tapa indicates Vānaprasthāśrama; Brahma-

1. Āp. Dh. S. 2, 9, 12: Gaut. 3, 2; Vas. Dh.S. 7, 1-2; Manu. 4, 1; 5, 168, 6, 1-2; 33
2. ṚV. 109, 5
3. Ibid., 2. 1, 2
4. Tāṇḍ. Br. 14, 4, 7
5. Ch. Up. 2. 23, 1

saṁsthā refers to the Sannyāsāśrama. The meaning of Brahma-saṁsthā is not certain. Modi construes it as an adjective of traya skandha[1] while Ranade[2] and Prabhu hold that it refers to Sannyāsāśrama.[3] According to Kane it is not used for the fourth āśrama[4] But this institution was placed on a sound footing in the age of the Sūtras.

The expression tryāśramāḥ[5] used by Manu in the context of āśramas seems to prove the contention of Modi and others that there were three āśramas in the beginning. It is quite possible that in the beginning, the sannyāsa āśrama was incorporated in the vānaprastha āśrama but later on, these came to be distinguished from one another. Moreover, according to Śvetāśvatara Upaniṣad, sannyāsa was above all the āśramas, so sannyāsa was not regarded as an āśrama proper.[6] Manu has very clearly referred to these orders and has elaborately described them.[7] Hence, it cannot be accepted that he believed in three Āśramas. Elsewhere, Manu declares that just as all beings depend on wind for life so the Gṛhasthāśrama serves as a shelter for the other three āśramas. From the Gṛhastha they get knowledge and food.[8] So it is the best period of life.

Manu alludes to the order of the āśramas to be adopted by an individual in life.[9] After having studied the Vedas, without breaking the rules of studentship, one should enter the order of householders.[10] A twice-born snātaka having lived in the order of a householder according to the rules, taking a firm resolution and keeping his organs in subjection should dwell in the

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1. Modi: Development of the System of Āśramas, the proceedings and transactions of All India Oriental conference Baroda; December, 1933
2. Ranade: A Constructive Survey of Upaniṣadic Philosophy, Poona 1926, pp. 60-61
3. Prabhu (P.N.) op. cit, p. 24
4. Kane (P.V.): History of Dharmaśāstra, vol. II. pp. 420-21
5. Manu. 2, 230
6. Prabhu (P.N.) op. cit, p. 84, Švetā. Up. VI. 2
7. Manu. 2, 3, 6
8. Ibid., 3, 77-78
9. Ibid., 6, 87-88
10. Ibid., 3, 2; Yājñ. I 52

forest duly observing the rules.[1] Having thus passed the third part of life in the forest, he may live as an ascetic during the fourth part of his existence after abandoning all attachment to worldy objects. Thus passing from order to order after offering sacrifices and subduing his senses and striving himself with alms and offerings of food, an ascetic gains bliss after death.[2]

Manusmṛti does not specify the exact age at which one is expected to enter each order and the period of life he is expected to spend in it. When a householder sees his skin rinkled, and his hair white, and the birth of grandsons, he may resort to the forest. But the Vedic prayers like *jīvema śaradaḥ śatam* and *Śatāyur*[3] *vai puruṣaḥ*[4] indicate that the average span of human life consisted of one hundred years. If we divide hundred years into four parts, a span of twenty-five years can be alloted to each order. One should not infer that beyond twentyfive years one could not study the veda. If the occasion demanded the time-limit could be increased or decreased by few more years. Thus we are told that the vow of studying the three vedas under a teacher must be kept for thirtysix years or for half that time or for a quarter or until the student had perfectly learnt them.[5] We are also told that Naiṣṭhika Brahmacārī could live in the hermitage of the teacher and study there upto his last breath.[6] He need not enter other orders. This shows that sometimes the people did not follow the set order of āśramas.

The āśramas were also meant to achieve the four objects of human life, viz., Dharma, Artha, Kāma and Mokṣa. Referring to the views of different scholars of his times, Manu says that the chief good lies in the acquisition of spiritual merit and wealth, others place it in the gratification of desires and the acquisition of wealth, others in the acquisition of spiritual

1. Manu. 6, 1
2. Ibid. 6, 33-34
3. Ibid., 1-4
4. Ibid ; Kāmasūtra, i, ii, 1-6
5. Vātsyāyana. 3, 1
6. Ibid., 2, 242-44

merit and others say that the acquisition of wealth alone was the chief good here, while the fact was that it consisted of the aggregate of the three.[1] Commenting on the above, Kullūka tells that this advice was meant for those who weighed the issue from the view-point of immediate and worldly objectives of life. But from the view-point of the final purpose and meaning of life, mokṣa alone would prove to be the best guide. These three serve as means for attaining the final goal i.e. mokṣa. Bhagavāndāsa says, "As the three ends of the path of pursuit are interdependent, so also all the three taken together on one side, and the end of the path of pursuit on the other are interdependent—only after renunciation of the lower, is the pursuit of the higher possible."[2] So at many places only three pursuits are referred to by name.[3] This is also because these three are enough for the smooth sailing of life. Hence, they are four in number.

Dharma is so called because it protects all; dharma preserves all that is created.[4] Dharma is that principle which is capable of preserving the universe.[5] Artha refers to all the means necessary for acquiring worldly prosperity such as wealth or power. And Kāma refers to all the desires in man for enjoyment and satisfaction of the senses, including the sex drive to which the word Kāma more prominently refers. The term refers to the native impulses, instincts and desires of man, his natural mental tendencies. Dharma, Artha and Kāma, therefore refer respectively to the moral, material, and mental resources,accessories and energies available to man.[6] Dharma defines, for man, the proper quantity, place and season for the right functioning of Artha and Kāma. The final verdict given by Manu with regard to Puruṣārthas is that the good

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1. Manu. 2, 224
2. Bhagvandasa: The Hindu social organisations, p. 36
3. Mahābhārata, Sabhā Parvan, 20, 13; Rāmāyaṇa II 20, 57; Dikśhitar, Hindu Administrative Institutions, p. 27
4. Mahābhārata, Śānti Parvan, 109, 58-59
5. Kane (P.V.) History of Dharmaśāstra Vol. I, pp. 1-4
6. Prabhu (P.N.) op. cit., p. 80

of humanity lies in a harmonious blending or co-ordination of the three, viz, Dharma, Artha and Kāma.[1]

Thus, on the whole, Puruṣārthas are concerned both with the individual as well as the group. They enunciate and justify the kind of relation between the individual and the group. Of the four, the first three pursuits are concerned with the group and the last with the individual.[2]

An individual has to carry out the duties and obligations laid down for each of the āśramas. These social obligations (ṛṇas)[3] are: the debt to the ṛṣis (ṛṣi-ṛṇa), debt to the gods (deva-ṛṇa) and debt to the ancestors (pitṛ-ṛṇa).[4] By studying the Vedas in the Brahmacaryāśrama, by begetting sons in the gṛhasthāśrama, by offering sacrifices in the Vānaprasthāśrama, one can get rid of these debts. After carrying out these duties in the first three āśramas, one should apply one's mind exclusively to the attainment of mokṣa. Manu ordains that he who seeks mokṣa without fulfilling his duties in the first three āśramas will sink low to damnation (Vrajatyadhaḥ).[5]

The Brahmacarya

The first stage of life was called Brahmacarya. The child was led and entrusted to the care of a teacher for acquiring knowledge of different texts. It was considered as the second birth of children of the first three varṇas.[6] This whole ceremony was popularly known as Upanayana in ancient times. A student had to devote his senses, mind and intellect to the handling of his teacher. He had to follow a complete vow of celibacy. The teacher imparted education to the child and thus inculcated in him the righteous and ethical virtues. As the ssudent was made to live near the teacher he was called the Antevāsī. The life of the teacher served as a model to be

1. Manu. 2, 224
2. Prabhu (P.N.) op. cit, p. 82
3. Manu. 6, 35: Yāj. III. 37
4. Ibid., 4, 257
5. Ibid., 6, 35-37
6. Hir. G.S. 1, 1, 2; Ap. Dh. I. 5, 2; Manu. 2, 68, 148

imitated by the student. Therefore, the merits and demerits of a teacher are discussed in the Hindu Dharmaśāstras.[1]

The Gṛhastha:

The Gṛhasthāśrama was considered foremost amongs the āśramas. The Grhastha āśrama sustains the people of other āśramas.[2] It started when a student returned from the hermitage to his house, got married and settled for the coming life.[3] This stage also served as a means to fulfil one's social obligations (ṛṇas). Here, one should practise Artha and Kāma in accordance with dharmas learnt in the first part of one's life. He could partake of Artha and Kāma or the material and the physical pleasures without any feeling of covetousness, greed or lust. He had to make efforts to give his best and utmost for his elders, children, wife and other members of his family, dependents and strangers (atithi). Guiding force for him in this stage of life was giving dāna.

The Vānaprastha:

During this period an individual dwelt in the forest. taking a firm resolution and keeping his organs in subjection When a householder saw his skin wrinkled and hair white and the birth of grandsons he could resort to the forest in the company of his wife or entrusting her to the care of his sons. He gave up all his belongings, before he departed to the forest. Restraining his senses, he carried the sacred fire, and the sacrificial implements to the forest. With the food fit for ascetics or with herbs, roots and fruits, he could perform five great sacrifices.[4] He wore skin or a tattered garment, took bath in mornings and evenings, put on braids, the hair on the body, shave his beard and pale his nails. He gave

1. For details, see chapter on Education.
2. Manu 3, 78
3. Ibid., 4
4. Ibid. 6, 3-5, Wilson (H.H.): Viṣṇu Purāṇa, 427 (Delhi, new edition, 1979)

Bali offerings with food and honoured guests with water, roots and fruits. He never received gifts. He performed the Agnihotra, the Nakṣatreṣṭi the Agrāyaṇa, the Cāturmāsya, the Uttarāyaṇa, the Dākṣiṇayana.[1] Having offered those most pure sacrificial viands, consisting of the produce of forest, he used the rest for himself mixed with salt, prepared by himself.[2] He practised the knowledge of Upaniṣads by performing actions without attachment and realized eternal reality. He languished his body by practising hard penance; he took bath thrice a day and partook food consisting of wild roots and wild fruits. He sustained his life by begging but he accepted that much in alms which could satisfy his stomach. He ate only eight gruels. Performing Pañcāgnitapa and sleeping on the floor were the daily duties of the forest dweller. He gave up the sacred fire which he had brought from his house, when he had realized the truth i.e, Brahman. In the later stage he did not take wild rice, etc., but sustained his body by eating roots and fruits.[3] He kept stock of the wild rice, etc. for the purpose of eating sufficient for one day or six months or one year. But in the month of Āśvin he gave up all that was collected by him.[4] He could go in for Mahāprasthāna even before sannyāsa if he was suffering from an incurable disease. He could eat the wind along with water. This Mahāprasthāna is recommended in extreme cases and not for every one. Had it been recommended for every one then there would have been no relevance of the fourth stage of life. The forester should conquer attachments, passions, anger, etc., the inner enemies of a person, for the purpose of Mokṣa.

The Sannyāsa:

The fourth part of life in which every thing of the world

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1. Manu., 6, 6-12
2. Ibid. 6, 26
3. Ibid., 6, 12, 15, 18
4. Ibid., 6, 31-33 and Commentary of Kullūka

and every desire was to be given up, was called the Sannyāsāśrama. Like the previous āśramas he had to observe certain rules and perform duties. He had to take the vow of celibacy. He was expected to restrain his sense organs from worldly attractions.[1] He had to consume food prescribed by the śāstras. He used to study the Upaniṣadic literature and strived for the attainment of knowledge pertaining to Brahma.[2] Apparently there seems to be no difference between the Vānaprastha and Sannyāsa āśramas. But there is a great difference between these two stages. In the Vānaprasthāśrama one could keep his wife with him but in Sannyāsa āśrama one could not live with her. A forester used to perform daily sacrifice after establishing the fire but an ascetic did not perform these rites and establish the sacred fire. Penance and abstinence were the important functions of the forest dweller, but meditation was the main duty of an ascetic.[1]

Manu advises the individual to embrace the fourth stage of life only after paying off his three debts, viz., Devaṛṇa, ṛṣiṛṇa and pitṛ-ṛṇa. One who strives for salvation without casting off his debt falls into hell.[2] Having studied the Vedas according to the injunction of the śāstras and having begotten children and performed sacrifices according to ability one should fix his mind on Mokṣa.[3] Having performed the Prajāpati iṣṭi in which he gives every thing in dakṣiṇā and having established the sacred fires in his house, he should depart from his house.[8] He had to live alone without any companion[9] in this áśrama. The dress, food and utensils of an ascetic consisted of a potsherd, the fruits of trees, coarse worn-out garments. Along with solitude and indifference towards everything, these marks were the signs of liberation. According to Manu, the seeker was to observe a prescribed course of life. He was to put down his foot purified by his sight; drink water purified by cloth; utter speech purified by truth; keep his heart

1. Manu. 6, 33-34
2. Ibid., 6, 83
3. Ibid., 6, 35-43

pure; bear harsh words but not insult anybody;[1] not obtain alms by prodigies and omens, by astrology and palmistry, by tendering advice and by exposition of śāstra, not beg from a house filled with hermits, Brahmins, dogs or other mendicants,[2] beg once a day and not attempt to obtain a large quantity cf alms.[3] He was asked to beg only when no smoke ascended from the kitchen, when the pestle lay motionless, when the embers had been extinguished, when people had finished their meals, when the remnants in the dishes had been removed. He was to obtain so much only as could sustain his life. He was not to feel happy when he obtained something and not grieve even when he did not get anything. By eating little and by standing and sitting in the solitude, he was to restrain his senses if they were attracted by sensual objects. Devoid of love and hatred he should reflect on the transmigration of soul, hell and torments in the world of Yama, on the separation from dear ones, on their union with hated men, on their being overpowered by age and tormented by disease, on the departure of the individual soul from this body and its new birth in another womb. By deep meditation, he should recognise the subtle nature of the supreme soul and its presence in all organism, both the highest and the lowest.[4] He should scan carefully the ground by day and night to avoid giving pain to living creatures. He should bathe and perform six suppressions of breath in order to explicate if he unintentionally injured the creatures.[5] Three suppressions of breath accompanied by Vyāhṛtis and the syllable Om, are described as the highest from of austerity for every Brahmin. Contentment, forgiveness, self control, abstention from unrighteously appropriating anything, purification, coercion of the organs, wisdom, knowledge, truthfulness and abstention from anger, form the tenfold laws. A twice-

1. Manu. 6, 44-47
2. Ibid., 6, 50-51
3. Ibid., 6, 55
4. Ibid., 6, 58-65
5. Ibid., 6, 68-69

born man who with collected mind follows the ten-fold law and has paid his debts may after learning the Vedānta according to the prescribed rule, become an ascetic. Having given up the performance of all rites, throwing off the guilt of his sinful acts, subduing his organs and having studied the Vedas, he may live at his ease under the protection of his son.[1] When he has paid, according to law, his debts to the sages, to men and to gods let him make over every thing to his son and dwell in his house, not caring for any worldly concern.[2] Above references allude to the ascetic who is known as Kuṭṭicakra in the Upaniṣads.[3] This shows that other ascetics were merged into Kuṭṭicakra by the time of Manusmṛti.

In the opinion of some scholars, by prescribing Sannyāsa the law codes actually saved society from the burden of old people knowing that old people who were no more dominating in the family would come into confrontation with the young sons. Manu and others thought of avoiding this confrontation and prescribed sannyāsa for the old people under this scheme. The old people used to retire to the forests and while meditating on Brahman died there.[4]

(b) *Saṁskāra* :

The Varṇāśrama institutions were developed by the sages for the benefit of society and the individual. The Saṁskāras were created to inculcate discipline in the individual. The ancient seers knew the importance of discipline in life. It was only by discipline and hard work an individual could reach the coveted goal (Mokṣa) of human life. They were not only meant for the material and cultural progress, but they were

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1. Manu. 6, 92-95
2. Ibid., 4, 257
3. Thakur (L.D.) op. cit, p. 122-123 The other forms of ascetics are bahūdaka haṁsa, paramahaṁsa, turyātīta or avadhūta See sannyāsopaniṣad p. 376.
4. Jain (K.C.) Prāchina Bhāratīya Sāmājika evam Arthika Saṁsthayen, 1976, pp. 62-63

also essential for internal and external purification of the body of an individual. The performance of sacraments like the Jātakarma (birth rite), the cūḍākarma (tonsure), etc. removed the taints of an individual, derived from parents. This human body is made worthy of Brahman by the study of the Veda, vows, oblations, sacred texts, the three-fold sacred science, offerings, sons, the great sacrifices, and śrauta rites.[1] On the basis of these sacraments one could determine the previous birth of a person.

The word saṁskāra is formed from the root *Kṛ* with a suffix *ghañ* and with the affix *saṁ*, meaning thereby that which refines or a religious ceremony which is the external and visible symbol of internal and spiritual beauty.[2] Here it only denotes the religious acts of purification and rites which refine mind, body and soul.

These sacraments were also performed to ward off the bad influence of supernatural powers, goblins and evil spirits from the life of a person. They were also performed to invite the good influence of gods. They were performed for the pleasing of gods so that they could bestow on him animals, progeny, long life, wealth, prosperity, prowess and intellect.[3] They were the medium for the expression of joy and sorrow of a person. Through the marriage sacrament, he expressed his joy and through funeral rites he expressed his grief. The cultural importance of these sacraments lay in the fact that they removed the impurity of a person and made him a cultured and refined citizen of society. It was believed that one was Śūdra but by the perfomance of sacraments became twice-born (Dvija).[4] Thus upanayana rite was the second birth of a child. Moreover, through their performance one could attain heaven and salvation.[5] Thus the sacraments aim at the spiritual uplift of an individual.

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1. Manu. 2, 26-28
2. Pandeya (R.B.) Hindu Saṁskāra, p. 18, The learned author has givin various meanings of the word Saṁskāra
3. Śāñ. G.S. I. 14, 5
4. Manu. Janmanā jāyate śūdraḥ saṁskārair divija ucyate
5. Ibid., 2, 27

The number of these sacraments is fixed at sixteen. They are Garbhādhāna, Puṁsavana, Sīmantonnayana, Jātakarma, Nāmakaraṇa, Niṣkramaṇa, Annaprāśana, Cūḍākarma, Karṇavedhaka, Vidyārambha, Upanayana Keśānta, Samāvartana, Vivāha and Antyeṣṭi.

Garbhādhāna (Seed-placing): Manu considers this sacrament as the first sacrament of life. This sacrament consists in the depositing of the seed in the womb of the wife. For the performance of this rite one should take into consideration the time and the environment. It should be performed when the wife is prepared to retain the seed i.e. after the menses.[1] The proper time for this rite is from the fourth night after the menses period, to the sixteenth night. But it should be performed only at night.[2] Among the first four, the eleventh and the thirteenth are forbidden for intercourse and the remaining nights are recommended.[3] On the even nights sons are conceived while daughters are conceived on the odd ones; hence, a man who desires to have sons should approach his wife in due season on even nights.[4]

Jātakarma (Birth-Rites)

Manu describes this sacrament very briefly. According to him this sacrament should be performed before the cutting of the navel string at the time of birth.[5] With the recitation of the mantras, the father should touch his child in the presence of others[6] and feed the child with gold, honey and butter.[7] Though the text clearly says that the child is to be fed with gold, honey and butter the commentators point

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1. Manu. 3, 46
2. Yāj. 1, 79
3. Manu. 3, 47-48
4. Ibid., 2, 22
5. Ibid., 2, 29
6. ĀŚV. G.S. I. 15, 1-4
7. Manu. 2, 29

out that only the last two substances should be given to the child after they have been touched with a piece of gold or a golden ring.

Nāmakarṇa (The Naming-Ceremony):

The name is generally given on the tenth or twelfth day after the birth[1] when the rite marking the end of impurity occasioned by the confinement is performed.[2] Kullūka says that it should be performed on the eleventh or twelfth but Medhātithi rejects this view of Kullūka.[3] It could also be performed on a lucky lunar day, in a lucky muhūrta under an auspicious constellation.[4] Caste considerations played an important part in the name-giving ceremony. The name of a Kṣatriya child should denote power. A Vaiśya's name should be connected with wealth while a Śūdra's name should express something contemptible.[5] The names of all the four varṇas should end in a word implying happiness, protection, thriving and service respectively.[6] Medhātithi rejects the former view and gives examples of correct formations: Svāmidatta. Bhavabhūti, Indrasvāmin, Indradatta.[7] The names of women should be easy to pronounce, not imply anything dreadful, should possess a plain meaning, be pleasing and auspicious, end in long vowels and contain a word of benediction.[8] The delicate and tender nature of a woman is perhaps at the back of the above injunction.

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1. Manu. 2, 29 footnote;
2. Ibid., 2, 30
3. Kūllūka on Manu. 2, 30
4. Ibid.
5. Ibid.
6. Ibid., 2, 31
7. Manu. 2, 32
8. Medhātithi on Manu 2, 32

Niṣkramaṇa (going out af the house) :

Manu prescribes the performance of a rite when the child is first taken out of the house. It should be performed in the fourth month after the child's birth. It was perhaps the time when child was able to bear the temperature and the environmental change after remaining in the closed atmosphere of the room or of the house.

Annaprāśana (The food-giving ceremony) :

This sacrament signifies the first giving of solid food to the child. On this occasion cooked rice are served to the child. It was performed in the sixth month after the birth of the child.[1] Upto this time the child was fed on the breasts of the mother. After this rite he was given all sorts of good food, viz., milk, honey, ghee, curd, etc. According to some, meat could also be given to the child.[2]

Cūḍākaraṇa (The Tonsure Ceremony) :

In the first or the third year, the Cūḍākaraṇa rite must be performed for the sake of spiritual merit, by all twice-born men.[3] In this rite the hair on the head of the child were shaven, leaving behind a tuft of hair. According to Baudhāyana the number of śikhā should be one or three or five.[4] Manu has not said any thing about the number of śikhā.

Upanayana (The Initiation Ceremony) :

The Upanayana rite marked the beginning of the child's education. It was virtually regarded as the second birth of the young boy.[5] In this ceremony the child was taken to the teacher by the parents. This is clearly indicated by the meaning of the word Upanayana. There he was accepted as the pupil after due rites were performed by the teacher. In the case of a

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1. Manu. 2, 33-39
2. ĀŚV. G.S. I. 19, 4; Āp. Ś.S. I, IV, 12
3. Manu. 2, 35
4. Bau. G.S. 2, 4
5. Manu. 2, 68. 148; Yāj. I, 39

Brahmin child this Upanayana ceremony took place in the eighth year of birth. Kṣatriyas and Vaiśyas were initiated in the eleventh and twelfth year respectively. Manu also put forward the view that a paticular age should be chosen for Upanayana if the fulfilment of certain desires was aimed at. For instance, the initiation of a Brahmin who desires proficiency in sacred learning in the fifth year after conception, that of a Kṣatriya who wishes to become powerful in the sixth, and that of a Vaiśya who longs for success in his business in the eighth year. Upto the sixteenth, twentysecond and twentyfourth year is the upper limit of the period of Upanayana for the Brahmins, Kṣatriyas and Vaiśyas, respectively. If the children of the three varṇas did not get themselves initiated within the prescribed age limit, they were called vrātyas (outcastes). Any connection with these vrātyas is prohibited by the law-givers. Manu agrees with the authors of the Dharmasūtras as regards the outfit of the brahmacārins, such as girdle, garments, sacred thread and staff.[1] The mode of begging is also identical.[2]

Manu lays down that a Brahmin, a Kṣatriya and a Vaiśya should choose the skin of a black antelope, spotted deer or goat or a cow respectively as upper garment. The lower garment made of hemp, flax or wool should be worn by the Brahmin, Kṣatriya and Vaiśya respectively.[3]

The girdle of a Brahmin shall consist of a triple cord of Muñja grass, smooth and soft; of a Kṣatriya of a bowstring made of Murva fibres; of a Vaiśya of hempen threads. The difference in the material of the girdles of the students of three castes indicated the professions which they had to follow after their education or the profession followed by the father or family of the students. If the above-mentioned material was not available then the students of three castes could wear girdles of Kuśa, Aśmantaka and Balbaja fibres with a single three-fold knot, or with three or five knots according to the custom of the family.

The sacrificial string of a Brahmin should be made of cotton twisted to the right and consisting of three threads, that

1. Manu. 2, 36-46; Yāj. I. 37-38
2. Ibid., 2, 49
3. Ibid., 2, 41

of Kṣatriya of hempen threads, and that of a Vaiśya of woollen threads.

The staff to be used by the student should be made of the wood of different trees according to the caste of the student. The staff of a Brahmin should be made of Palāśa or Bilva, that of a Kṣatriya should be of Vaṭa or Khadira; and that of a Vaiśya should be made of Pīlu or Udumbara wood. The staff of a Brahmin should reach the end of his hair, that of a Kṣatriya his forehead and that of a Vaiśya his nose's tip. These staffs should be straight, without a blemish, handsome to look at, not likely to terrify men, with their bark perfect, not burnt by fire.[1]

Manu is silent about the procedure of performance of the Upanayana rite. But this rite is described in detail in the Gṛhyasūtras.[2] The performance of Homa, a formal interview by the teacher, the holding of his hand and the touching of his heart and navel, giving him a staff a girdle, a skin garment, teaching the sāvitrī and begging of alms,[3] by the student were the main ingredients of Upanayana ceremony. Rules regarding the teaching of Sāvitrī to the student immediately after the Upanayana are not described in the code of Manu. It shows that the teaching of Sāvitrī did not form an integral part of the Upanayana ceremony.

Manu states that having taken a staff, having worshipped the sun, and walked round the fire, turning his right hand towards it, the student goes to village to beg alms. According to the rules of begging, the student should beg first of his mother, or of his sister, or of his own maternal aunt or of a woman who will not refuse. A Brahmin should beg a woman for alms with the words "Bhagavati, give alms," a Kṣatriya with the words "give, Madam alms," a Vaiśya with the words "Give alms Madam." The student should collect as much food as is required and give it without guile to his teacher. He may partake of that food himself with the permission of

1. Manu. 2, 42-47
2. Gobh. G.S. II. 10.6; Śāṅkh. G.S. II. 1.96-97; Āśv. G.S.I, 19.8
3. Ramgopal, op., cit. p. 296

the teacher turning his face towards the east and having purified himself by sipping water. If he eats food facing the east, he will get long life. If he eats facing the south he will get fame. If he eats facing the west, he will get prosperity. If he eats facing the north, he will get truthfulness.[1] One should avoid over-eating because it is prejudicial to health, to fame, to heaven, to spiritual merit. Food that is always worshipped gives strength and manly vigour.[2] After eating he should first sip water thrice, next twice, wipe his mouth, and lastly touch with water the cavities of the head, the seat of the soul and finally the head.[3]

A Brahmin should sip water out of the part of the hand (tīrtha) sacred to Brahman, or out of that sacred to Ka (Prajāpati) or, out of that sacred to the gods, never out of that sacred to the manes. The Brāhma tīrtha exists at the root of the thumb; the Ka-tīrtha at the root of the little finger; the Devatīrtha at the tips of the fingers; and the Pitṛ-tīrtha below between the index finger and the thumb.[4] This act of sipping should be performed in a lonely place and turning to the east or to the north, with water neither hot nor frothy. When the water thus sipped reaches the heart of a Brahmin, he is purified. Similarly, when this water reaches the throat of a Kṣatriya, he is purified. A Vaiśya and a Śūdra are purified when it reaches their mouth and lips respectively. A student may have skin, upper garment, staff, sacrificial thread, water pot, all new on being damaged and throw the old ones in the water.

Keśānta : (The Shaving ceremony) :

This ceremony was performed at the age of sixteen for a Brahmin, twenty-two for a Kṣatriya and twenty-four for a Vaiśya.[5] It consisted of clipping the hair of the children of the three higher Varṇas. It also signified the advent of youth in an individual. At this stage, a Brahmacārī was again and again reminded of his vow of celibacy.

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1. Manu. 2, 48-52
2. Ibid. 2, 55-57
3. Ibid. 2, 60
4. Ibid. 2, 58-59
5. Ibid. 2, 61-64

Samāvartana (The Home-Coming ceremony) :

This ceremony is performed at the end of the Brahmacarya period. It signified the end of student life or the period of education. Literally, the word Samāvartana means to return (to one's own house from Gurukula). After the completion of study at the house of the teacher, he performed this ceremony before returning to his parents. Bathing is the most important part of this ceremony. The teacher used to give parting advice and instructions to the student to be followed in the next stages. The student used to give a parting gift to the teacher according to his ability with the permission of his teacher.

The things which could be given as a parting gift to the teacher consisted of fields, gold, cows, horses, parasols, shoes, seats, grains,[1] vegetables. These gifts pleased the teacher who had worked hard with the student.

Manu is quite clear on the point of initiation ceremony of the women. He accepts their right to be initiated but adds that it should he performed without the recitation of sacred texts. These ceremonies were performed at proper time and order. The nuptial ceremony was the Vedic sacrament for women equal to the initiation; serving the husband was equal to the residence in the house of the teacher and the household duties the same as the daily worship of sacred fire. But from this injunction, it can be inferred that the intiation ceremony was optional for females.[2]

At the time of saṁskāras, sex and the varṇa of the individual was taken into account. Even today some of these rites are followed in details by the Hindus.

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1. Manu. 2, 245-47
2. Ibid. 2, 67

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Education

The importance of education in the cultural equipment of a person was well recognized by ancient educationists. Bhartṛhari describes this factor as the one which differentiates between man and animal.[1] According to the Mahābhārata, no other sight can equal the sight which one gains in the form of education.[2] The superiority of one over the other can also be determined on the basis of education.[3] A modern educationist says, "The primary function of education is to transmit knowledge of the forms and skills, society regards it as indispensable for its survival and improvement. The system regularizes knowledge, transmitting activity; inculcates the folkways and mores; trains the young to fit into the existing cultural scheme, aims to aid the individual in the development of personality and aptitude; and sets forth broad lines which the society believes must be followed in order to survive and improve."[4] According to Prabhu "Education also transmits the particular system of moral, social, and cultural values and thus undertakes the endoctrination of both the rational and emotional elements which make up the adult individual."[5] Education provides a means for the intellectual development

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1. Bhartṛhari, Nitiśataka, 16
2. Mahābhārata, 12, 339, 6
3. RV. 10, 717
4. Panunzio quoted by Prabhu (P.N.) op. cit., p. 104
5. Prabhu (P.N.) op. cit., pp. 104-5

of the individual as such. The value of education lies in the ability to direct the capacities and powers of the individual towards the proper functioning and stability of the social group to which he belongs. True education helps the cultivation of not only of character, habit and discipline of mind but also the intellect, reason and critical and discriminating faculty. Above all, this education helps in the attainment of salvation.[1]

The Upanayana (Investiture Ceremony) rite marked the beginning of the child's education. It was virtually regarded as the second birth of the young boy.[2] The child was taken to the teacher by his parents. He was accepted as pupil after due rites performed by the teacher. For a Brahmin child the ceremony took place in the eighth year of his birth; for a Kṣatriya in the eleventh year after conception and in the twelfth year for a Vaiśya. A Brahmin could perform the same at the age of five if he desired proficiency in the Vedas. A Kṣatriya wishing to be powerful could have it at the age of six. In order to gain success in his business, a Vaiśya could perform it in the eighth year after conception.[3] The different ages for the Upanayana had something to do with the difference in intelligent quotation of these varṇas due to various factors : hereditary, environmental, etc.[4] But this view is not acceptable. How could the hereditary and environmental factors affect the beginning of child's education ? At the most we can accept that the student belonging to a particular Varṇa may have had some advantage over the student of another Varṇa, once he started learning but not before that. Keay[5] regards the differentiation of age as a fancy and conceit of the Brahmins. As the number of letters in the Sāvitrī mantras of the Brahmins, Kṣatriyas, and Vaiśyas happened to be eight, eleven, twelve, the Brahmins took fancy to them

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1. Prabhu (P.N.) op. cit., pp. 107-8
2. Manu. 2, 68; 148
3. Ibid. 2, 36-37
4. Achyuthan (M), Educational Practice in Manu, Pāṇini and Kauṭilya, pp. 10-11
5. Keay, Ancient Indian Education, p. 29

and determined the respective ages of the boys of the three varṇas for initiation at eight, eleven and twelve.[1] So it is not possible that the Upanayana originated from mere fancy. Dass[2] and others hold that the differentiation was intentional. It was based on the intellectual superiority of the Brahmins. But it seems improbable that the earlier age for their children was due to the superior intellect of the Brahmin boy.[3] Dr. Pandey gives two reasons for this differentiation. Firstly, as the Brahmin boys were taught by their parents it was not inconvenient for them if they were initiated at an early age. But the students of other varṇas had to go out of their home for education. This early separation from their parents put them into inconvenience. So higher ages were laid down for them. Secondly, education was mostly religious and priestly and consisted of vedic and allied studies. Brahmins had to deal with religious and priestly works, so it was considered better for a Brahmin boy to start his studies earlier than other Varṇas who had to specialize in military art, or administration or commerce or agriculture. They joined the Brahmanical education later, as they were not required to pass the same course as the Brahmin student.[4] The last limit for the performance of Upanayana for a Brahmin boy was sixteen, for the Kṣatriya twenty-two and for the Vaiśya twenty-four.[5] The Upanayana rites were compulsory for the three higher varṇas. This was done to preserve the sacred lore. If one was not initiated within the prescribed age limit, he was declared an outcaste unfit for reciting Sāvitrī mantra, discarded by the society.[6] Any connection with such an outcaste was prohibited by the law-giver as he had become a Śūdra. The Vrātyas were Āryan in race, though they were not Vedic in religion. Later on, those who did not

1. Pandey (R.B.) op. cit., p. 118
2. Dass (S.K.) The Educational system of the Ancient Hindus, p. 72
3. Pandey (R.B.) op. cit., p. 118
4. Ibid., pp. 118-19
5. Manu. 2, 38-39
6. Altekar, Education in ancient India, pp. 11-12

perform sacraments were also classed with them. They were admitted to community after performing certain Vratas.[1]

Manu clearly states that the term of studentship extends up to thirty-six years or half that time or a quarter or until the student has perfectly learnt the three Vedas.[2] Having learnt in due order the three Vedas or even one only, without breaking the rules of studentship, a student should enter the order of householders. The first quarter of the twice born's life should be spent at the house of the teacher.[3] The student could even spend his whole life, at the house of his teacher. Such students were known as Naiṣṭika-brahmacārins.[4] Pupil's attitude to learn one or more Vedas, went a long way in determining the period of study.[5]

Child received his first lesson in informal education from his parents. But his formal education started with the Upanayana ceremony which was performed at the house of the preceptor. These houses served as the centres of learning. They were called Gurukulas.[6] These centres were managed by the preceptor and his wife. A student who lived with his preceptor in a Gurukula was called an antevāsin.

Having performed the rite of initiation, the teacher at first instructed the pupil in the rules of personal purification, of conduct, of fire-worship, of prayers and meditation.[7] Having sipped water in accordance with the injunctions of the śāstras, he put on a clean dress, controlled his sense-organs and made the Brahmāñjali. A student received instruction in all Vedas. He touched the feet of the teacher at the beginning and the end of a lesson. He began and ended study by the order of his teacher. At the beginning and the end he recited the sacred syllable Om. A slight negligence in connection with this rule was harmful to the correct understanding of the Vedas.[8] After reciting Om, the teacher taught him the sacred Sāvitrī mantra. Thereafter, he learned from his preceptor the Vedas and the other sacred texts.

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1. Manu. 2, 40-41
2. Ibid. 3, 1
3. Ibid. 4, 1
4. Ibid., 2, 243, 249
5. Achyuthan. (M.) op. cit., 13
6. Manu. 2, 164; 175, 243
7. Ibid., 2, 69
8. Manu. 2, 70, 74

Concerning the courses of study, Manusmṛti gives a detailed syllabus of various subjects. The syllabus comprised the four Vedas,[1] caraṇas[2], together with their Brāhmaṇas, Atharvaveda[3] Āraṇyakas,[4] Upaniṣads,[5] Vedāṅgas,[6] Dharma Sūtras,[7] Purāṇas[8] Vrata,[9] Ānvīkṣakī and Daṇḍanīti.[10] Besides these subjects the prince took instructions in the principles of trade, agriculture, cattle-breeding and the science of wealth.[11] Manu's syllabus of commercial education for the Vaiśya included rudiments of commercial geography, arithmetic and some languages as well as the practical details of trade, viz. the knowledge of defects or excellences of articles, the good or evil traits of countries, profits and losses in the manufactured articles, wages of artisans and workmen, etc.[12]

Education was free. The teachers admitted the poor and the rich boys without any consideration of monetary gains.[13] The Manusmṛiti gives the names of persons who taught for a stipulated fee. Such persons were not invited at a Śrāddha ceremony.[14] But the practice of charging fee was not common. Most of the teachers took no fee from their pupils. Manu mentions Upādhyāyas[15] who levied fee from their pupils. They accepted fee from their students and those who were not able to pay it served the teacher in the day time while they were taught at night.[16] But Manu sees no harm in giving a gift to a teacher, according to one's own means, after the completion of study.[17] In regard to the vexed question of teacher's emoluments, it appears that the ancients had arrived at the truth when they concluded that society could never pay the teachers adequately in terms of money, therefore all that the

1. Manu. 2, 10
2. Ibid., 11, 264
3. Ibid., 11, 33
4. Ibid., 4, 123
5. Ibid., 2, 140
6. Ibid.. 3, 185
7. Ibid. 1, 10. 3, 232
8. Ibid., 2, 232
9. Ibid., 9, 19
10. Ibid., 7, 43
11. Ibid., 7, 43
12. Achyuthan, (M) op. cit., 31
13. Manu. 2, 140
14. Ibid., 3, 156
15. Ibid., 9, 141
16. Sharma (R.N.) Brahmins through the ages, pp. 81-82
17. Manu. 2, 49

person adopting the teacher's profession should expect was an austere life and ample respect from society and complete freedom in respect of education of his pupils.[1]

Manu gives a detailed description of the duties of a stupent. Daily should he tend the sacred fire of the teacher by feeding it with fuels. If he neglects this duty, he should perform Avakīrṇi vow.[2] He should perform morning and evening prayers.[3] He should beg food for the inmates of the hermitage. Before going for begging he should take his staff, worship the sun and go round the fire as per rules. He should not collect food more than his needs or he will incur a guilt cf theft.[4] Avakīrṇi vow is prescribed as expiation for one who neglects this duty if he is healthy and not suffering from disease.[5] He should beg alms first from his own mother, sister, mother's sister or any other woman who might not insult him with a refusal.[6] He could beg alms from those who studied Vedas, performed sacrifices and did their duties.[7] He should not beg alms in his teacher's family nor at the house of cognates and relations.[8] Whatever he obtained he should present it to his teacher. He should receive a part of it given by the teacher and eat it facing the eastern direction to acquire longevity.[9] Begging was prescribed to create a spirit of humility in the mind of the student.[10] Manu prescribes only two meals per day for a brahmacārin. He should also avoid over-eating which causes ill-health.[11] He should be a strict vegetarian.[12]

Manu lays down some rules of conduct and discipline for a student. A student should get up before and go to bed after the preceptor.[13] He should lie on the bare ground. He should not sleep in the day time. He should mutter

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1. Veda Mitra: Education in Ancient India. VII
2. Manu. 2, 187
3. Ibid., 2, 108
4. Ibid.. 2, 182
5. Ibid., 2, 187
6. Ibid., 2, 50
7. *Ibid.*, 2, 183
8. Ibid., 2.184
9. Ibid,, 2, 51
10. Basu, (J) India in the age of the Brāhmaṇas, p. 42
11. Manu. 2, 56-57
12. Ibid. 2, 177
13. Ibid, 2, 51-52

Gāyatrī and fast for a whole day if he sleeps during the day time. If a student sleeps after sunrise and before sun-set, does not perform expiation, he would attain great sin.[1] He should acquire self-control. He should not visit a woman. He should not embrace, cast lustful eyes on females.[2] He should not sleep alone and should not cast his seed by any unnatural means because it destroyed his vow.[3] If the preceptor's wife happened to be young, a pupil should not touch her feet[4] while offering obeisance but should touch her feet on returning from a sojourn. On other days, he shall simply accost her without touching her feet. These injunctions are meant for maintaining celibacy, for human nature is liable to go astray. He should salute his teacher in the morning. He should sit at the feet of his teacher. He should not wear gaudy clothes. He should neither abuse any body nor indulge in backbiting. If people defamed his teacher, justly or falsely, he should cover his ears, leave the place rather than hear it. If he did not do that he became an ass or a dog. Such rules were framed to awaken in the pupil a deep reverence for the teacher. He should always strive to promote preceptor's interest by acts of body, mind and speech.[5] Character building proceeded side by side with the development of intellect.[6] Manu enjoins that he should strive to restrain his organs which run wild after sensual objects like a charioteer his horses.[7] One who controls his sense-organs is better than one who is well versed in the Vedas but is devoid of self-restraint. Since meat, honey, wine, sweets, perfumes, ornaments, etc. inflame passions the student is advised by Manu to refrain from these things.[8] He should give up lust, anger, greed, dancing, singing, gambling, idle-gossips, scandal, falsehood, etc. for the sake of learning.[9] Manu advocates the restraining of passions and sense-organs

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1. Manu. 2, 220-21
2. Ibid., 2, 179
3. Ibid., 2, 180
4. Ibid., 2, 216-217
5. Ibid., 2, 191
6. Prabhu (P.N.) op. cit., p. 128
7. Manu. 2, 88
8. Ibid., 2, 117-118
9. Ibid., 2, 178-179

rather than suppressing them. This could be achieved by simple living and high thinking.

Student Dress : The law of Manu prescribes a special dress for every student according to his caste. A Brahmin, a Kṣatriya and a Vaiśya should wear the skin of black antelope, a spotted deer and a he-goat respectively as upper garment. If they are to wear clothes then a Brahmin should put on as lower garments hempen clothes, a Kṣatriya silken and a Vaiśya woollen. The sacred thread of a Brahmin should be made of three strings of cotton thread, of a Kṣatriya of hempen and of a Vaiśya of woollen thread. The students of higher castes should wear a girdle round their waist symbolizing the encirclement of the student by the three Vedas. The girdle of a Brahmin should be made of Muñja grass, smooth and soft, of a Kṣatriya of bowstring and of a Vaiśya of a hempen thread.

Staff : The wood of the staves to be kept by the students also differs caste-wise. The staff of a Brahmin was made of Palāśa or Bilva wood, of a Kṣatriya of Vaṭa or Khādira and of a Vaiśya of Udumbara or Pīlu wood. The staff of a Brahmin was made of such length as to reach the end of his hair; of a Kṣatriya to reach his forehead, and of a Vaiśya to the tip of his nose. Let all the staves be straight, without a blemish, handsome to look at, not likely to terrify men, with their bark intact, unburnt by fire.[1] The students also carried Kamaṇḍalu to fetch water. Whenever these things were spoiled by use, they were thrown into waters. The students took new ones with the recitation of sacred mantras.[2]

In ancient educational system a high position was accorded to a teacher who being a spiritual father of the student[3] deserved more respect than his father. Manu prescribes many rules of behaviour for a student in the presence of the teacher. They all indicate to the respect received by the teacher from his pupil. In his presence he occupied a lower seat.[4] He stood up at the sight of the teacher.[5] He neither uttered his name

1. Manu. 2, 41-47
2. Ibid., 2, 64
3. Ibid., 2, 170
4. Ibid., 2, 198
5. Ibid., 2, 130

even in his absence, nor imitated his speech, gait and manner.[1] Disrespect shown to him led the student to many troubles in future births.[2] The ācārya was never worried of instructing his pupil.[3] The story of Kavi as stated in the Manusmṛti indicated that a learned man, though young was respected and honoured by virtue of learning.[4] Teaching and studying was held to be a sacrifice offered to Brahman.[5] The teacher instructed the student about his activities which tended to his welfare without causing him pain. While instructing him he used sweet and gentle words.[6]

Teaching was the sole right of the Brahmin Varṇa.[7] According to Manu, the Brahmin alone taught the veda, not the other two Varṇas.[8] Among the several occupations the most commendable for a Brahmin was the teaching of the Vedas.[9] During the period of distress he could have instructions from a non-brahmin teacher. He followed him during the period of study but after that non-brahmin teacher was to go after him.[10] *It is also prescribed that a student should* never remain in the house of a non-brahmin teacher for whole life. He may learn various arts and crafts from non-brahmin teachers.[11] It seems that the teaching of secular subjects was done by persons other than brahmins. Such courses were of a shorter duration. A student could receive sacred lore from a man of lower caste, the highest law even from the lowest.[12]

Manu differentiates among ācārya, Upādhyāya, Guru and Ṛtvik. Ācārya was one who having initiated the pupil, taught him the Veda, Kalpa and Rahasyas. Upādhyāya was one who taught a portion of the Veda and Aṅgas. He being chosen to perform agnyādheya, Pākayajñas, Agniṣṭoma, etc. for another was called a Ṛtvij.[13] Thus it was

1. Manu. 2, 207
2. Ibid., 2, 201
3. Ibid., 2, 73
4. Ibid., 2, 151, 153, 156
5. Ibid., 3. 70
6. Ibid., 2, 159-161
7. Ibid., 1,80
8. Ibid., 10, 1-2, 75-77
9. Ibid., 10, 80
10. Ibid., 2, 251-52
11. Ibid., 7, 43
12. Ibid., 2, 238
13. Ibid., 2, 140-143

quite clear that Ācārya and Upādhyāya were directed with teachings. As Ācārya taught his pupil without any return so he was considered more respectable than the Upādhyāya who took some fee for teaching.[1] Sometimes the son of the teacher also imparted instructions and got honours due to a teacher.[2]

Manu enjoins that a teacher should teach only worthy students.[3] Ten persons were considered worthy of teaching : the teacher's son, one who desired to do service, who imparted knowledge, intended on fulfilling the law, was pure, was connected with the teacher by marriage or friendship, was possessed of ability, made presents of money, was honest and a relative.[4] He should impart instructions to a pure, self-controlled, chaste and attentive student. If reposed in such a student the knowledge will flourish. Even in the time of dire distress a teacher of the Veda, should die with his knowledge rather than sow it in a barren soil.[5] But if he taught despicable men in distress, he committed no sin.[6] He would declare his caste before acquiring the Veda, otherwise, he would incur the guilt of stealing the Veda and sink into hell.[7]

The teacher and the taught :

Manu envisages cordial relations between the teacher and the taught.[8] The ācārya is higher than father who only causes birth.[9] The student lived with the ācārya as a member of his family. The ācārya treated him like his own son. He taught him devotedly. The birth which the teacher well versed in the Vedas procured for him through Sāvitrī, was real, exempt from age and death.[10] The ācārya taught him whatever was pleasant and beneficial, with sweet and gentle words.[11] The student gave him full respect

1. Manu. 2, 145
2. Ibid., 2, 208
3. Ibid., 2, 112-113
4. Ibid., 2, 109
5. Ibid., 2, 114-115
6. Ibid., 2, 251-252
7. Ibid., 10, 103
8. Ibid., 2, 116
9. Ibid., 2, 146
10. Ibid., 2, 148
11. Ibid,, 2, 159

and obeyed his instructions without questioning them.[1] By serving his ācārya with devotion he could even attain salvation.[2] He should not pronounce the name at his back even and let him not mimic his gait or speech.[3] Though the pupil be grievously offended by the teacher he should not treat him with disrespect.[4] For him the teacher was the incarnation of Brahman.[5] He should do what was agreeable to his teacher. By doing so the pupil obtained the rewards of austerities.[6] He informed his preceptor about every thing that he performed in thoughts, words or deeds for attaining to the next world.[7] Many rules regarding the patterns of behaviour to be followed by the pupil in the presence of the preceptor are given in detail in the Manusmṛti.[8] He from whom one receives instructions the Vedas is a Guru.[9] Not to speak of the respect shown to a teacher even his sons and relatives were given honour. The son of the teacher who imparts instructions in his father's stead, whether younger or equal in age, or a student of the science of sacrifices, deserves the same honour.[10] Manu permits the student to receive learning even from a man of lower caste and the highest law even from the lowest in faith.[11] Summing up the intimate relationship between the teacher and the taught, Patañjali declares that the student should be covered like an umbrella by the teacher and that the student should look after him like the umbrella.[12] If his teache's teacher is near let him behave towards him as towards his own teacher.[13] A student shall first reverentially salute that teacher from whom he receives knowledge of worldly affairs, then the Vedas, or the Brahmin.[14] A student should even perform obsequies of the teacher.[15] He should not break his

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1. Manu. 2, 229
2. Ibid., 2, 233, 244
3. Ibid., 2, 199
4. Ibid., 9, 225-226
5. Ibid., 2, 228
6. Ibid., 2, 236
7. Ibid., 2, 191-245
8. Ibid., 2, 149
9. Ibid., 2, 207
10. Ibid., 2, 150-151, 208
11. Ibid., 2, 238
12. Mahābhāsya, 4, 4, 1, 62
13. Manu. 2, 205
14. Ibid., 2, 117
15. Ibid., 5, 65

vow by carrying out to the place of cremation his own teacher (ācārya), sub-teacher (Upādhyāya), father, mother or Guru.[1] At the death of a teacher, the impurity lasts for three days; and at the death of the teacher's son or wife a day and night.[2]

Manu enjoins that a student could not be made a witness.[3] He does not become impure by births and deaths.[4] He should not pay stipulated fee.[5] At his pleasure he may eat when invited, the food of one man at a time in honour of gods, observing his vow or a funeral meal in honour of manes, behaving like a hermit.[6] A student is listed in the list of Brahmins who sanctify a company.[7] A student who wore hair in braids or did not study the Veda was not to be invited at a Śrāddha ceremony.[8] He was exempted from paying toll at a ferry.[9] He who personated a student was punished by law.[10] Students received alms at Vaiśvadeva sacrifice.[11]

Certain privileges were enjoyed by the teachers. They were invited at Śrāddhas.[12] The teacher could inherit wealth of his pupil.[13] He received the honey-mixture as a token of respect whenever he visited some place.[14] For defaming his teacher, and for not giving him the way, a student was compelled to pay one hundred paṇas.[15]

Holidays : Manu states that at the time of the Upākarman and Utsarga ceremonies an interruption of studies should take place for three days, likewise at the Aṣṭakās for one day and night and similarly on the last night of each season.[16] Besides this the interruption of study was caused by the variety of causes and circumstances. The study was interrupted at the death of a relation, a teacher, a king, so on and so forth. The study was discontinued for three days on the birth of a prince.[17]

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1. Manu. 5, 91
2. Ibid., 5, 80
3. Ibid., 8, 65
4. Ibid., 5, 93
5. Ibid., 2, 245; 3, 156
6. Ibid.,2, 189-90
7. Ibid., 3, 186
8. Ibid., 3, 151
9. Ibid,, 8, 407
10. Ibid., 4, 200
11. Ibid., 3, 94
12. Ibid., 3, 148
13. Ibid., 9, 187
14. Ibid., 3, 119
15. Ibid., 8, 275
16. Ibid., 4, 119
17. Ibid., 4, 110

They should stop studying the Veda on the day when they eat Śrāddha feast.[1] The occurrence of certain natural phenomena also occasioned the interruption of study. They are, an earthquake, solar or lunar eclipses, fall of meteors, rainbow, fog, whirlwind, lightning, thunder. rain, appearance of clouds out of season, preternatural sound from the sky, when lights of heaven are surrounded by a halo, when sky is preternaturally red, the sound of arrows is audible, during both the twilights, new moon day, on the fourteenth and the eighth day of each halfmonth, on full moon day. Barking of dogs, braying of donkeys, grunting of camels, howling of jackals, also are not good for Vedic studies.[2] A continual interruption of study is prescribed in villages, and towns and always when any kind of foul smell was perceptible.[3] In water, during the middle part of the night while he voids excrements or is impure and after he has partaken of a funeral dinner, a man must not even think of the sacred texts.[4] While lying on a bed, while his feet are raised, while he sits on his hams with a cloth tied round his knees, when he has eaten meat or food given by a person impure on account of a birth or a death, let him not study.[5] He should not study near a burial ground, a village, a cow-pen, dressed in a garment which he wore during conjugal intercourse, after receiving a present at a funeral sacrifice, when the village was beset by robbers, when an alarm was raised by fire, and on the occurrence of all portents.[6] Let him not recite the Veda on horse-back, a tree, an elephant, a boar, a donkey, a camel, on barren ground, riding in a carriage or during a verbal altercation, during mutual assault, in a camp, during a battle, when he has just eaten, in indigestion, after vomiting, sour eructations. without receiving permission from a guest, when blood flows from his body, or when he is wounded by a weapon.[7] Let him stop all Vedic studies for a day and night after finishing a Veda or

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1. Manu. 4, 114-20
2. Ibid., 4, 115
3. Ibid., 4, 107
4. Ibid., 4, 109, 111
5. Ibid., 4, 112
6. Ibid., 4, 116, 118
7. Ibid., 4, 120-122

after reciting an Āraṇyaka.[1] He should also stop Vedic study for a day and night when cattle, frog, cat, dog, snake, an ichneumon, or a rat pass between the teacher and his pupil. Let a twice-born man always carefully stop the Vedic study on two occasions, when the place where he recites is impure and when he himself is not purified.[2]

Corrective Punishment : Manu does not favour punishment for a student. According to him the teacher must use sweet and gentle words while instructing the student in a pleasant manner.[3] But with a view to correct or improve the students, he may beat his pupils, on the back whenever they commit fault, with a rope or a split bamboo sparing the tender parts of the body, otherwise he incurred the same guilt as a thief.[4] The best way to counter the habit of the student to commit faults was to awaken in him a feeling of love for the right and hatred for the wrong through sympathetic appeal to his heart.[5]

Samāvartana : The Samāvartana ceremony signalled the completion of educating the student. The ceremony consisted in taking final bath with the permission of the teacher.[6] The permission was considered essential, for it certified that the Snātaka was a fit person in learning, habits and character for married life.[7] Before journeying back home the student was expected to give some gift to the teacher as a token of respect according to his means. It could be a field, gold, a cow, a horse, a parasol, a seat, shoes, grain and even vegetable.[8]

Snātakas : Manu speaks of three types of snātakas, viz., Vidyā snātaka, Vrata snātaka, Vidyā-vrata-snātaka. The Vidyā-snātaka was one who had completed studies but not the full term of Brahmacarya; the Vrata-snātaka was one who had observed the Vratas but had not finished the full course of studies. The Vidyāvrata snātaka was one who

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1. Manu. 4, 123
2. Ibid., 4. 126-127
3. Ibid., 2, 159
4. Ibid., 4, 159; 8. 299-300
5. Prabhu (P.N.) op., cit. 133
6. Manu. 2, 245
7. Ibid., 3,4
8. Ibid.. 2, 245-246

finished his student career after completing a full course of studies and observed the vratas.[1]

The snātaka was accorded great honour in society. He was given madhuparka whenever he visited the house of a person.[2] He was respected by the king and given food in the time of distress.[3] On the road, the snātaka and the king were treated alike.

Thus in the educational system simple and disciplined life was most essential, for maintaining the higher standard of education. It aimed at the allround development of personality and intellect. For fuller and purposeful development a student received instructions regarding the care of health, bodily grace, manners, morals and religion along with lessons in arts, sciences and literature. During this period the teacher was his guide as well as friend. His life served as a model for the student. Both the teacher and the taught coordinated in maintaining a proper and congenial atmosphere for imparting and receiving knowledge.

VIII. Natural Science :

We do not expect much information on natural science from the Manusmṛti as it is a treatise on Indian religion, social and political lives of the people. It betrays no real observation of facts with regard to general classification of animals and vegetables.[4] But its observation that trees and plants possess life,[5] is proved by modern scientists. Gold and Silver are the products of fire and water combined is mentioned by Manu and confirmed by Chemists.[6] The division of time is also given with great accuracy by Manu. According to him the eighteen nimeṣas are one Kāṣṭhā, thirty Kāṣṭhās one Kalā, thirty Kalās one Muhūrta, and just so many Muhūrtas cause day and night.[7] As to the duration of day and night it is the sun that causes distribution, night being for repose of beings, and day for their exertion.[8] A month is a day and night of the Pitṛs, the division

1. Manu. 4, 31; Par. G.S. ii, 5, 32-35
2. Ibid., 7, 92
3. Ibid., 4, 33
4. Ibid., 1-43-49
5. Ibid.
6. Ibid., 5, 113
7. Ibid., 1, 64
8. Ibid., 1, 65

being into equal halves; one half beginning from the full moon is their day for actions, and the other half beginning from the new moon is their night for slumber.[1] A year is a day and night of the gods and their division is this: their day is northern, and their night the southern course of the sun.[2] One can hardly infer that the author of the work was aware of the relative motions of the sun, moon and earth; and also of the earth's revolution about her axis. The effort at a systematic scale of time measure is very noteworthy.[3] The scale of weight based on an imaginary atomic unit, namely, the very small note which may be discerned in a sunbeam passing through a lattice as the least visible quantity is given in the code of Manu.[4]

The hereditary transmission of diseases has also been observed. That is why he forbids marriage with a diseased person.[5]

In the account of creation there is an attempt to explain the phenomena of sound, light and so on. From intellect called into action by the will of Brahmā emerges the subtile ether to which philosophers ascribe the quality of sound; from ether transmuted in form proceeds air, the vehicle of all scents and endowed with the quality of touch. From air changed rises light, making objects visible and having the quality of figure; and from light changed comes water with the quality of taste; and from water earth with the quality of smell.[6] Besides this there is a curious speculation upon a peculiar branch of physiology, which is however, nothing better than pure guess. It lays down that a male child is produced by a greater quantity of male seed, a female child by prevalence of the female, if both are equal, a hermaphrodite or a boy and a girl; if both are weak or deficient in quantity a failure of conception results.[7]

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1. Manu. 66
2. Ibid. 67
3. Ibid. 8, 131-137
4. Ibid. 8, 132
5. Ibid. 3, 7-8
6. Ibid. 1, 74-78
7. Ibid. 3, 49

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Marriage

1. *Purpose and Importance* :

This ceremony is the most important of all sacraments. It is the foundation-stone of life of an individual to enter into conditions; the society expects an individual to enter into wedlock and to establish himself. The institution of marriage was formed with a view to chanalize the energies in the right direction. If at the advent of youth his energies are not given a proper outlet, there is every possibility of his going astray. Through marriage he can satisfy his personal and social needs. Undue suppression of desire disturbs the mental equilibrium of an individual. From the religious point of view marriage was performed to pay off debts one owed to his parents or to his deceased ancestors. It was believed that by procreation one could get rid of this debt. Marriage was also essential for the continuity of the line. Taking all these factors in view, Manu ordains that a twice-born man should marry a maiden of equal caste (savarṇā) who is endowed with auspicious signs.[1] The twice-born should marry a damsel who is neither a sapiṇḍa on the mother's side, nor belongs to the same family on the father's side.[2]

2. *Selection of family for marriage* :

One should also avoid such families for the purpose of marriage which neglect the sacred fires, in which no male children are born, in which the Veda is not studied, which

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1. Manu. 3, 4
2. Ibid. 3, 5

have thick hair on the body, which are subjected to hemorrhoids, phthisis, weakness of digestion, epilepsy or white and black leprosy.[1] Manu forbids marriages with these families on medical grounds. Modern medical science has proved that the diseases from paternal and maternal sides are inherited by children. Marriage connections should be established between two families of equal status. This will contribute to the happiness of the family. If there is a difference between the family of the bridegroom and the bride then there is bound to be some misunderstanding between the families, and the bride may find some difficulty in adjusting herself to her husband's family.

3. *Exogamy* :

The marriage between men and women of the same gotra and of the same pravara is forbidden. The Sapiṇḍa relation lasts upto the seventh generation on the father's side and up to the fifth on the mother's side.[2] Such marriages between agnates degrade both sides. One should marry a girl belonging to a different gotra.[3] Gautama, Jāmadagni, etc. denote schools founded by the sages and the student who passed out of these schools bore the name of that very school.[4] But in the sūtras and the Manusmṛti this sense was lost. Still the terms *sagotra*, etc. are used in connection with marriage. A father should not give his daughter to a sagotra youth. The term gotra may be defined as an exogamous patrilineal kinship whose members trace their descent to a common ancestor.[5] Baudhāyana has defined gotra as *Saptānām ṛṣīṇām āgastyṣṭamaṁ yad apatyaṁ gotram,* i.e. a gotra is the whole group of persons descended from one of these ṛṣis, viz. Jamadagni, Gautama, Bhāradvāja, Atri, Viśvāmitra, Kaśyapa, Vasiṣṭha and Agastya. Now it is clear that the

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1. Manu. 3, 6-7
2. Ibid. 3, 5
3. Ibid. 3, 5; 5, 60
4. Br. Up. 2, 2, 4; Ch. Up. 5, 14, 1
5. Brough, Early Brahminical System of Gotra and Pravara, Introduction, p, 2

prohibition of marriage within the gotra overlaps the sapiṇḍa restriction since many of the Sapiṇḍas on father's side are also sugotras.[1] Marriages between persons having the same pravara are also prohibited by the śāstras.[2] A pravara is defined as a stereotyped list of names of ancient seers who are believed to be the remote founders of the families.[3] It seems that pravara had something to do with the Brahmins but later on, this pravara was extended to other Varṇas also. According to Āpastamba the sacrificers who do not remember their pravara should speak out the pravara of their purohitas.[4] Thus a person was expected to take into consideration the piṇḍa, gotra and pravara of the bride and then marry her on an auspicious day.

4. *Forms of Marriage*

Manu enumerates eight types of marriages, viz., Brāhma, Daiva, Ārṣa, Prājāpatya, Āsura, Gāndharva, Rākṣasa and Paiśāca.[5] Of these eight, six were lawful for a Brahmin, the last four for a Kṣatriya and the same four excepting the Rākṣasa for a Vaiśya and Śūdra.[6] Among the six, four are also lawful for a Brahmin, the Rāksasa for a Kṣatriva and Āsura for a Vaiśya and a Śūdra.[7] Three of the five last are declared to be lawful and two unlawful; Paiśāca and Āsura must never be used.[8] Manu allows Kṣatriyas to solemnise their marrlage through the Rākṣasa, and Gāndharva forms of marriage.[9]

Manu gives a description of eight forms of marriage. A Brāhma form of marriage is the one in which a father invites a youth who is learned in the Vedas and is of good character and gives to him his daughter decked with costly garments and honoured by presents of jewels.[10] The Daiva form of marriage consists in giving a daughter decked with a garment, to a priest

1. Brough, Early Brahminical System of Gotra and Pravara, Introduction, p. 2
2. Gaut. D.S. 4, 2; Vas. Dh. S. 8, 1
3. Brough, p. 2,
4, Ap. D.S. 24, 10-17
5. Ibid. 3, 21
6. Ibid. 3, 28
7. Ibid. 3, 24
8. Ibid. 3, 25
9. Ibid. 3, 26
10. Ibid. 3, 27

who duly officiates at a sacrifice.[1] When the father gives his daughter according to the rule, after receiving from the bridegroom, for the fulfilment of the sacred law, a cow and a bull or a pair of bulls, that is the Ārṣa form of marriage.[2] This amounts to the selling of one's own daughter to others. The Prājāpatya form of marriage is that in which a father gives his daughter to a man showing honour to him and by saying "May both of you perform together your duties."[3] This form of marriage resembles the modern Hindu form of marriage.

The marriage in which the bridegroom purchases his bride having given as much wealth as he can afford to the kinsmen and to the bride herself according to his own will, is called the Āsura marriage.[4] The voluntary union of a maiden and her lover is known as the Gāndharva marriage which springs from desire and has sexual intercourse for its purpose.[5] In modern terminology it is called a love marriage. The Rākṣasa form of marriage consists in the forcible abduction of a maiden while she cries and weeps after his kinsmen have been slain or wounded.[6] The seduction of a girl sleeping, intoxicated or disordered in intellect is called the Paiśāca form of marriage.[7] But this form of marriage is despised by Manu.

The gift of daughter among Brahmins is the most approved form of marriage. But among other castes it is to be performed by the mutual consent[8] of the parents. The expression 'mutual consent' can also mean 'mutual desire' of the bride and the bridegroom.[9]

The son born of the Brāhma marriage liberates from sin ten ancestors, ten descendents and himself.[10] Likewise a son born of the Daiva marriage liberates seven ancestors and seven descendents. The Ārṣa acd Prājāpatya marriages give such sons who liberate three and six respectively in either line.[11]

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1. Manu. 3, 28
2. Ibid. 3, 29
3. Ibid. 3, 30
4. Ibid. 3, 31
5. Ibid. 3, 32
6. Ibid. 3, 33
7. Ibid. 3, 33
8. Ibid,, 3, 35
9. Medhātithi on the above verse of Manu
10. Manu. 3, 37
11. Ibid., 3, 38

Although eight forms of marriage are recognised by ancient Hindu law-givers, the four—Brāhma, Prājāpatya, Ārṣa and Daiva are recommended and the remaining stand as unapproved. The modern law, however, recognizes only three forms as prevalent, the most common form being the Brāhma, The next comes the Āsura form where the girl is sold and the third is the Gāndharva form which is considered as approved for divorce, though originally looked upon as unapproved.[1]

The first four forms of marriage produce sons endowed with beauty and goodness, possessing wealth and fame, accompanied by prosperity and a life of hundred years.[2] Manu is not in favour of remaining four marriages which produce sons of cruel nature who speak untruth, hate the Vedas and the sacred law.[3] Manu condemns a person who accepts even the smallest gratuity for his daughter because it amounts to the selling of his offspring.[4] Some consider the cow and the bull received at an Ārṣa wedding to be a gratuity but that is wrong since the acceptance of a fee, be it small or great, is a sale of the daughter.[5] When the gift is not appropriated for use it is not a sale; it is only a token of respect and of kindness to the maiden.[6] The Gāndharva and Rākṣasa forms are declared by Manu to be lawful for the Kṣatriyas.[7] Manu prohibits Āsura and Paiśāca marriages for all castes including the Śūdras and condemns Paiśāca form as the most sinful of all. During Manu's time Gāndharva-marriage was lawful not only for Kṣatriyas but also for the rest of the Varṇas.[8] It was universally recognized as it was based on mutual consent of lovers.

5. *Inter-Caste Marriages* :

Intercaste marriages were current in the days of Manu. These marriages were of two types : Anuloma and Pratiloma. The Anuloma marriages were those in which a person of the

1. Pathanker, op. cit., p. 304
2. Manu. 3, 39-40
3. Ibid. 3, 41
4. Ibid., 3, 51-52
5. Ibid., 3, 53
6. Ibid.,. 3, 26
7. Ibid., 3, 23
8. Ibid., 3, 23

higher varṇa married the girl of a lower varṇa. A Brahmin could have four wives : one from his own caste, one each from the other castes. Similarly, a Kṣatriya and Vaiśya could have three and two respectively. A Śūdra woman alone can be the wife of a Śūdra.[1] The second wife could be taken only when the first was dead or when an event had happened which compelled the husband to take another. That polygamy existed is betrayed by certain injunctions.[2] The fact that the twice-born may have a legitimate wife of a lower class in addition to the wife of his own class, shows that Manu's attempt at maintaining a rigid line of demarcation among the four classes was most hollow.

To Manu, lust appeared to be the only motive for having extra wives, from other Varṇas.[3] Although authorising the act that might have been common, he condemns the espousal of Śūdra woman by men of higher Varṇas. He declares that Śūdra woman is not mentioned in the ancient treatises on law as the first wife of the three higher Varṇas.[4] According to Manu and Yājñavalkya a twice-born who marries a low caste girl will sink to the status of a Śūdra along with his progeny. The dislike of taking a Śūdra woman to wed is evident from the statement of condition of Brahmins after death.[5] Such Brahmins sink into hell after death. If they beget children by them, they will lose the rank of a Brahmin.[6] Here, Manu is in complete agreement with his predecessors like Atri, Gautama and Śaunaka.[7] Manu condemns the progeny of such marriages as are base-born.[8] By mentioning the names of sons born of such unions Manu indicates that these anuloma marriages also prevailed along with normal forms of mariiage.

The sons born of Brahmin father and the women of

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1. Manu. 3, 12-13
2. Ibid.
3. Ibid., 3.12; Altekar (A.S.) : The Position of women in Hindu civilization, p. 76
4. Ibid. 3, 17
5. Ibid., 3, 15, Yāj. I. 56-57
6. Ibid., 3, 17
7. Ibid., 3, 16
8. Ibid., 10-17

other three varṇas were called Mūrdhābhiṣikta,[1] Ambaṣṭha,[2] Parāśava or Niṣāda.[3] Govardhana and Nārada remark that the second name Parāśava is added in order to distinguish the Niṣāda from the other Niṣāda who is a Pratiloma and subsists by catching fish.[4] Māhiṣya, Ugra,[5] were the names of sons born of the union of Kṣatriya father and mother from Vaiśya and Śūdra varṇas. The son born of a Vaiśya father and Śūdra mother was called Karṇa.[6] The sons born of intercaste marriages were jointly called Anulomajas.[7] But these jātis were considered lower than the original four varṇas but through their learning and achievements they could attain the status of a higher Varṇa. If a female of the lower caste sprang from a Brahmin and a Śūdra female bore children to one of the highest caste, the inferior attained the highest caste in the seventh generation.[8] It is the same with the off-spring of a Kṣatriya or of a Vaiśya.[9] The sons of the twice-born begotten on the wives of the next lower castes, were called by the name Anantara (Belonging to the next caste) on account of blemish inherent in their mothers.[10]

Pratiloma marriages were those in which a person of lower varṇa married a woman of higher Varṇa. Manu prohibits these marriages and condemns them without reservation.[11] If a Kṣatriya married the daughter of a Brahmin, the son born of this union belonged to Sūta jāti and a son born of the union of Vaiśya male and Brahmin female, belonged to Vaideha jāti. A son born out of the union of Vaiśya male and Kṣatriya female belonged to Magadha jāti. A son belonging to Kṣatriya caste will be born out of the union of Śūdra and a Kṣatriya woman. A son of Āyogava caste will be born to a Śūdra male and a Vaiśya female. A son of Cāṇḍāla caste will be born out of the union of a Śūdra and a Brahmin female.[12]

The process does not end with this. More jātis come up

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1. Manu. 10-17
2. Ibid. 10, 8
3. Ibid.
4. Gov. and Narada on Manu. 10, 8
5. Manu. 10, 9
6. Ibid.
7. Yāj. I. 92
8-9. Manu. 10, 64-65
10. Ibid., 10, 14
11. Ibid., 3, 12-13
12. Ibid., 10, 11-12

with the intermixing of Anulomaja and Pratilomaja and also of Pratilomaja with Pratilomaja. From a Brahmin by the daughters of Ugra, Ambaṣṭha and Āyogava are born Āvṛta Ābhīra and Dhigvāṇa respectively.[1] The son of a Niṣāda by a Śūdra female becomes a Pukkasa by caste, but the son of a Śūdra by a Niṣāda female is Kukkuṭaka.[2] Moreover, the son of a Kṣatriya by an Ugra female is called Śvapāka but one begotten by a Vaidehaka on an Ambaṣṭha female is named Vena.[3] In this way, by the intermixing of varṇas, jātis are produced. They are called Varṇaśaṅkara. a term used in a derogatory sense by Manu.

Manu also refers to marriages between the Vrātyas[4] and the Brahmin, the Kṣatriya and the Vaiśya. From a Vrātya of the Brahmin caste when united with a Brahmin woman, spring Bhṛgukaṇṭaka, the Āvantya, the Vātadhāna, the Puṣpapāda and the Śaikha.[5] From a Vrātya of the Kṣatriya caste are born the Jhālla, Mālla, Licchivi, Naṭa, Karṇa, Khasa and Draviḍa.[6] From a Vrātya of the Vaiśya caste are born a Sudhanvāna, an Ākārya, a Karuṣa, a Vijanman, a Maitra and a Satvada.[7]

From this description it is clear that the Anuloma and Pratiloma marriages prevailed in those times. But endogamy appears to have been the order of the day during the age of the Manusmṛti. It enjoins that a twice-born should marry a girl of his own varṇa.[8] Endogamy was, therefore, regarded as normal and inter-marriage as anomalous.

6. *Marriageable Age* :

Manu does not state the marriageable age of the bridegroom and the bride. But at one place Manu prescribes that a man of thirty years shall marry a maiden of twelve who pleases him or a man of twenty-four a girl of eight. If he finds that the performance of his duties is disturbed he should

1. Manu. 10, 15
2-3. Ibid., 10, 18-19
4. Ibid., Manu defines vrātyas as those persons who are excluded from the Sāvitrī and who are fulfilling their sacred duties
5-7. Ibid., 10, 21-23
8. Ibid., 3-4

marry sooner.[1] Here thirty and twenty years are prescribed as the marriageable age of the bridegroom. He would marry still earlier if some valid reasons existed. This shows that the bridegroom was fully matured at the time of marriage. But the age of twelve or eight is not normal for the bride. He condemns a father who does not give his daughter in marriage at the proper time. The expression marriageable occurring frequently in the text, shows that the girl was married at an age when she had attained puberty. Manu advises a marriageable girl to wait for three years but after that she was free to choose her bridegroom of equal caste or rank.[2]

7. *The Bridegroom*

Laying down the qualities of a worthy bridegroom, the Manusmṛti states the father should give his daughter in marriage to a youth who is distinguished, handsome, equal in caste and rank, even though she had not attained the proper age.[3] But he should not give her to a candidate[4] devoid of good qualities. It is better if she remains until death in his parents' house rather than she lives with an unworthy person. Manu considers Brahmacharya as the primary condition for the marriage. A student who has studied in clear order, the three Vedas, or even one, without breaking the rules of studentship, shall enter the order of a householder.[5] But with the induction of child marriages these qualifications of the bridegroom were not considered very important.

8. *The Bride:*

Manu takes special note of the external qualities of a bride. He says that a woman, who is free from bodily defects, who has an agreeable name, the graceful gait of a swan or an elephant, a moderate quality of hair on the body and on the head, small feet and soft limbs,[6] is fit for marriage. Manu also gives details about girls who were avoided for marriage.

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1. Manu. 9. 94
2. Ibid. 9, 89, 90, 93
3. Ibid. 9, 88, 90
4. Ibid. 89
5. Ibid. 3, 2-4
6. Ibid. 3, 10

Let him not marry a maidan with reddish hair nor one who has a redundant member, nor one who is sickly, nor one either with no hair or with too much hair on the body nor one who is garrulous or has red eyes.[1] Inauspicious names were also a disqualification in a girl. Manu[2] says that one should not marry a girl who is named after a constellation, a tree, a river, a low-caste man, a mountain, a snake, a slave nor one whose name inspires terror. According to Rajbali Pandey the idea underlying this prohibition was that these names were originally current among the uncultured, rude aboriginal forest-dwellers, whose mode of living and contact, both, were avoided by the civilized Aryans.[3] Manu also ordains that a prudent man should not marry a maiden who had no brother, nor one whose father was not known, through fear lest in the former case she should be made an appointed daughter and in the latter case should commit sin.[4] The reason for avoiding such girls can be seen in the fact that brotherless girls can go astray. Moreover, the bridegroom may not be looked after with respect at the house of his in-laws in the absence of a brother. There can be no certainty about the family of the girl whose father is not known. Concealment of the girl's blemishes was an act liable to punishment. So one should declare her blame whether she be insane or afflicted with leprosy or had lost her virginity.[5]

9. *Guardianship in marriage*:

Since women are created to be dependent and looked after they should be married in accordance with law and since marriages of maidens were performed in ancient India before they attainded puberty it was necessary that some one authorised by law should get them married to suitable person and in an approved form of marriage. Regarding the persons who are authorised to give the girl in marriage Manu mentions-

1. Manu. 3, 8
2. Ibid. 3, 9
3. Pandey: (R,B.) Hindu Saṁs-kāras, p. 193
4. Manu, 3, 11
5. Ibid. 8, 205

father, brother and mother.[1] The prime responsibility of marrying the girl to a suitable bridegroom, rested on the shoulders of the father but with the permission of the father a brother could also give her to the bridegroom.[2] If he is unable to find a proper suitor for her then the girl was free to choose her husband.[3] This shows that in certain special conditions a girl could choose her husband at her own sweet will. But such a maiden could not take with her any ornament from her parents house. If she carried any it would be a theft.[4] This also shows that in normal marriages the bride was given gifts of ornaments by her father, brother or mother.

10. *Marriage-Expenses*:

Marriages involved a certain amount of expenditure. In order to meet that a person who whished to marry could beg food and money from others.[5] But when he begged money for the second marriage, the issue of his second marriage belonged to the giver of money.[6]

11. *Betrothal*:

The gift of daughters among Brahmins was most approved if it was preceded by a libation of water; but in regard to other castes it was performed by the expression of mutual consent.[7] The act was performed only once.[8] Manu enjoins that a prudent man after giving his daughter to one man, should not give her again to another, for he who gave his daughter to another after he had given her to one incurred the guilt of speaking falsehood.[9] A husband could abandon her after acceptance on the ground that she was blemished, diseased or disflowered and given with fraud.[10]

1. Pathanker (M.M.): Family law; an article in Sanskrit and Indological studies, 1975
2. Manu. 5, 151
3. Ibid. 9, 90
4. Ibid. 9, 92
5. Ibid. 11, 1
6. Ibid. 11, 5
7. Ibid. 3, 35
8. Ibid. 3, 9
9. Ibid., 9, 71
10. Ibid. 9, 72

If anybody gave a maiden possessed of blemishes without declaring them the bridegroom could annul that contract with her father.[1] Manu enjoins that a king should impose a fine of ninetysix paṇas on the father who gave a blemished daughter to a suitor without informing him of blemish.[2] But he who openly declares her defects will not get punishment. From this we can infer that girls with defects could marry after open declaration of their faults.

12. *Fraud in Marriage and purchase of Bride* :

It seems that fraud was practised in marriages. The parents not only concealed the blemishes of girls but also substituted another girl in place of one already shown to the bridegroom. In that case the bridegroom was allowed to marry both for the same price. The expression same price[3] alludes to the practice of the purchase of bride by the bridegroom. This goes contrary to the rules regarding the sale of daughters, described in the Manusmṛti.[4] It proves that in spite of all directions to the contrary women were purchased in ancient India.

13. *Defamation of Bride :*

The defamation of the bride was a punishable offence. A man who out of malice denied that she was a maiden, was fined one hundred paṇas, if he could not prove her blemish.[5] The rule was framed to check the false rumours in which one was tempted to indulge in.

14. *Wedding rites* :

The nuptial ceremony was one of the Vedic sacraments for women, equal to initiation. Serving the husband was equivalent to the residence in the house of the teacher and the household duties were the same as the daily

1. Manu. 9, 73
2. Ibid. 8, 224
3. Ibid. 8, 204
4. Ibid. 3, 51-54
5. Ibid. 8, 225

worship of the sacred fire.[1] For sake of procuring good fortune to brides and for averting evil omens, the recitation of benedictory texts (Svastyayana) and sacrifice to the lord of creatures (Prajāpati) were used at the wedding.[2] The ceremony of joining the hands is enjoined for marriages with women of equal caste. But different rules are prescribed for the females of different varṇas.[3] The Kṣatriya, the Vaiśya and the Śūdra brides should take hold of an arrow, a goad, a hem of the bridegroom's garment respectively.[4] The nuptial ceremonies are prescribed solely for virgins and not for the girls who have lost virginity because they are excluded from undergoing the ceremonies.[5] The nuptial texts afforded a proof that the maiden was made a lawful wife, but the learned should know that the marriage ceremony was complete, with the seventh step of the bride around the sacred fire.[6]

15. *Respect for the bridegroom :*

Honouring the bridegroom with the honey mixture was counted as the duty of the householder.[7] The student must make way for a bridegroom. Such injunctions indicated that the bridegrooms were shown due respect by the society.[8]

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1. Manu. 2, 67
2. Ibid. 5, 152
3. Ibid. 3, 43
4. Ibid. 3, 44
5. Ibid. 8, 226
6. Ibid. 8, 227, for detail see also Pāraskara, I. 8, 1-2; Śāṅk. G.S.I. 14-7
7. Manu. 3,119
8. Ibid. 2, 138

7

Parivāra (Family)

The family has been an important unit of the Aryan society. It has remained the only means of self-protection, growth of the race and continuity of the Varṇa.[1] Besides, to bring up the child, to look after his education, to maintain tradition and the personality are mainly connected with the family. The primary growth of a child takes place in the lap of his mother and in the swing of the family. While living in the family he learns good manners, proper behaviour, religious belief and old traditions. The family imparts the first lesson, in eating, observing cleanliness, speaking truth and dressing. Here he knows about his duties towards his parents, brothers, sisters and other relatives and becomes familiar with ethical and moral values prevailing in the society. The environment of the family makes him suitable and a useful member of the society. The family teaches him a lesson of service, co-operation, love and unselfishness. Psychlolgists observe that the family is a source form which charitable tendencies grow.[2]

The family fulfils the three purposes of a man's life. They are progeny, religious acts and love. First purpose is referred to at several places in the Ṛgveda.[3] The second purpose is indicated by the fact that no one could perform a sacrifice unless he was married.[4] The third purpose is quite evident being closely connected with the other two. The Bṛhadāraṇyako-

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1. Haridutt Vedalankar, Hindu Parivāra Mīmāṁsā, p. 1.
2. Alwood, Sociology and its Psychological Aspects, p. 213; Fugal: Psycho-Analytical Study of Family. p. 4.
3. Ṛ.V.I.91.20; 1.91.13; 3.1.123; 10.85.36,45.
4. Ibid. 1.72.5; 5.3.2; Tai. Br. 3.7,5; Śat. Br. 2.5.1.11.

panişad equates the pleasure coming from conjugal life with the pleasure which one gets on his union with Brahman. It says, "Just as one is not aware of the outer or inner world at the time of copulation with his wife, similarly a person, when united with the Brahman does not know the inner or outer things of the universe."[1] The family must have had its origin in the biological phenomenon of reproduction, but it gradually developed into a sociological phenomenon of the highest significance.[2] The family as a social unit has already assimilated through years and ages the traditions, sentiments, modes of behaviour of the society. It has played the part of a suitable medium to convey these to its individual members. Thus, in the family the biological, psychological, and sociological forces meet in giving the individual, a start in life.[3]

Sociologists have attempted to define the concept of family. Burgess and Locke define it as "a group of persons united by ties of marriage, blood or adoption; constituting a single household interacting and communicating with each other in respective social roles of husband and wife, mother and father, son and daughter, brother and sister, creating and maintaining a common culture."[4] According to MacIver and Page the family may include collateral or subsidiary relationships. But it is constituted of mates living together forming with their offspring a distincitve unity.[5]

Ancient Aryans were agriculturists. Agriculture was their important occupation. The vedas mention the ploughing of field by the farmers and the means of irrigation. Agriculture as an occupation required many hands and so family became an important institution in the vedic age and the joint family system became a necessity. The blessings of the priest to a newly wedded couple corroborates this view. The priest blesses the couple: Live in the house, do not get separated, enjoy life by rejoicing and sporting with sons and grandsons.[6]

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1. Bṛh. Up. 4.3.21.
2. Prabhu (P.N.) op. cit. p.215
3. Ibid. p. 211.
4. Burgess (E.W.) and Locke (H.J.) The family. p. 8.
5. MacIver (R.M) and Page (C): Society, p. 238.
6. Ṛ.V.10.85.42.

Another blessing secures the mistressship of the bride over her mother-in-law, father-in-law, sister-in-law and brother-in-law.[1] But the instances are not wanting to prove that some sons lived in segregation from their parents.[2] Manu refers to certain laws on the partition of property.[3] It is possible to deduce from these rules that the son lived separately after getting his share of property. The joint family system might have lost its ground due to the extention of the family or by taking up of new occupations. A large family could not be managed efficiently and could not fulfil the wishes of each and every member. When a member started adopting occupations other than agriculture, he wanted to keep the benefits of these occupations to himself.[4] These factors helped in the disintegration of the joint family. This does not mean that joint-family disappeared altogether.

Husband and wife :

Husband and wife constituted the most important members of the family. One who protected the wife was known as Pati[5] (husband). His main function after marriage was to protect his wife from any danger. The other term used in Sanskrit for husband is Bhartā,[6] which means one who sustains by providing living. He is also known as Svāmī because of his dominance over his wife.[7] The husband protected her in youth.[8] Even though weak, he was to guard his wife. This was the highest duty of men of all varṇas as declared by Manu. The husband after conception becomes an embryo and was born again of her. He who carefully guarded his wife preserved the purity of lineage. Evil inclinations of the woman brought sorrow on the families so she was to be guarded against them.[9] Knowing that the woman was bound to go

1. A.V. 10, 85, 42; 4, 5, 5-6
2. Tai. Saṁ. 3, 1, 9, 4; Ait. Br. 2, 2, 9
3. Manu. 9. 157, 185; 10. 115
4. Jain (K.C.) op. cit. pp. 109-11
5. Manu. 5, 155
6. Ibid. 9, 22
7. Ibid. 5, 152
8. Ibid, 9, 3; 5, 148
9. Ibid. 9, 5-8

astray, man most strenuously exerted himself to guard her.[1] The husband who wedded her in the prescribed way gave her happiness both here and hereafter.[2] A husband was to be worshipped as a god by a faithful wife even if he is bereft of virtues.[3] Thus he was raised to the position of a god. He should employ her in the preservation and expenditure of his wealth, in keeping accounts of the budget, in the fulfilment of religious duties, in the preparation of food and in looking after the household utensils.[4] Thus she could remain busy in her work and will not think of evil acts. Husband should solely devote himself to his wife.[5] He should respect her and please her.[6] The daily sacrificial rites were designed to ensure happiness here and hereafter.[7] In the family, the husband exerted himself to live in harmony with his wife and children.[8] The home, where the husband was always pleased with his wife and the wife always pleased with her husband, was indeed the most blessed one.[9] He was not to take to another wife if his first wife could share in the performance of his religious acts and bore him sons.[10] He was always to support his faithful wife. He was not to disrespect her who is kind and virtuous by marrying a second time.[11] Only with the consent of his first wife he could marry again.[12] The husband and wife constituted a unit. The husband was neither to eat in the company of his wife, nor was he to look at her when she was eating, sneezing, yawning or sitting at ease.[13]

Words like Patni, Bhāryā and Jāyā frequently occur in the codes of Manu, denoting a wife. She was known as Patni, because she protected the family. She was known as Bhāryā because she supported or maintained it. See was called Jāyā[14] because the husband was begotten on her.[15] She was to obey

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1. Manu. 9, 15
2. Ibid. 5, 153
3. Ibid. 5, 154
4. Ibid. 9, 11
5. Ibid. 3, 45
6. Ibid. 3, 55-60
7. Ibid. 9, 96
8. Ibid. 9, 45
9. Ibid. 3 60
10. Ibid. 9, 80, 81, 95
11. Ibid. 9, 82
12. Ibid.
13. Ibid. 4, 43
14. Ramgopal, op. cit., 439
15. Manu. 9, 8

her lord as long as he lived and remained faithful to his memory after his death.[1] She was to worship him like a deity even though he was a man of bad character.[2] Manu enjoins her total dependence on her husband. If a wife obeyed her husband she was for that reason exalted in heaven. She was not to perform any sacrifice except in the company of her lord or keep a vow or fast without the consent of her husband.[3] A faithful wife who wanted to be reunited with her husband in next life, was not to do anything that might displease him.[4] She was to perform her duties with patience, self control and chastity. She was not to utter the name of another man after the death of her husband but may live on pure flowers, roots and fruits and thus emaciate herself.[4] Manu equates a sonless woman who is virtuous and chaste, with a chaste man and states that like him she could reach heaven.[5] She who controlled her thoughts, words and deeds, never slighted her husband, resided after death in heaven and was called a virtuous wife. She attained fame here and prosperity with her husband hereafter.[6] She is a goddess of wealth but capable of marring the welfare of the family. Woman is described as the cause of production of children and their nourishment. She could help in running the routine. On her depended the maintenance of off-springs, religious rites, faithful service, highest conjugal happiness and celestial bliss.[7] She was called a Sādhvī if she did not violates her duty to her husband

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1. Manu. 5, 151
2. Ibid. 5, 154-56
3. Ibid. V. 155; Patkar (M.M.); Family law, an article in Sanskrit and Indological studies; Dr. V. Raghavan Felicitation Vol. Ed. R.N. Dandekar etc. Delhi, 1975. The learned author says, "Barring such few exceptions the husband seems to have wielded great authority over his wife and her position, even at the time of law-givers of advanced view like Nārada, Bṛhaspati and Kātyāyana does not seem to be much better than a slave, although in theory, she was considered as a half part of her husband, sharing equally the results of his good or bad actions. The husband completely dominated his wife.
4. Manu. 5, 156-158
5. Ibid. 5, 160
6. Ibid. 5, 165-166
7. Ibid. 9, 26-28

after controlling her thoughts, speech and acts.[1] She always possessed a cheerful temperament, managing her household affairs cleverly and efficiently and spending economically.[2] She was to undertake the management of household affairs, collection and expenditure of her husband's wealth, preparation of food, keeping everything clean in the house and fulfilling the religious obligations.[3] She was not to sleep at odd hours or wander about mixing with wicked sorts of people; she was not to drink spirituous liquor.[4] The husband was to be one with wife. He could be called a perfect man, if he lived harmoniously with his wife and offsprings.

According to Manu a wife could never be abandoned by false repudiation.[5] The husband could desert her if she possessed some blemish or disease, or faults which were not disclosed to him before marriage.[6] Even if she hated him, he was not to desert her immediately. He should wait for at least a year and if she continued to hate him even after that he was to deprive her of property and stop cohabiting with her. Even then she was to be maintained. If she showed disrespect to her husband who had some vice, or who was given to drinking, she could be abandoned for three months and be deprived of her personal property such as ornaments etc. But she could not be cast off if she showed disrespect or even aversion to her husband who was insane, a eunuch, impotent or suffering from some serious disease. She could be abandoned only if she committed adultery with her husband's pupil or his teacher or a man of low caste.[7]

The relation between husband and wife was eternal. It existed not only in this life but continued also hereafter.[8] In normal conditions they could not be broken. Mutual fidelity until death was the highest bond of union between husband and wife. Let man and woman unite in marriage, exert themselves that they may not be disunited or lose

1. Manu. 9, 29
2. Ibid. 5, 150
3. Ibid. 9, 11
4. Ibid. 9, 13
5. Ibid. 9, 45-46
6. Ibid. 9, 72
7. Ibid. 9, 77-80
8. Ibid. 5. 166

fidelity.[1] Husband and wife performed daily sacrifices and religious acts for their happiness here and hereafter,[2] and for that psycho-moral harmony,[3] was most essential.

Father and Mother :

A very important and high position was accorded to father and mother by society in ancient India. Even in hundred years a child cannot compensate the mother for the pain which she suffered at the time of his birth. He should not show disrespect to his parents even if grievously offended by them. Father and mother are the incarnations of Prajāpati and Earth respectively. By performing acts agreeable to them, the son could reap their sweet fruits. He should perform religious acts with their consent. Obedience to them was the highest austerity.[4] The parents are as pure and noble as the Gārhapatya and the Dakṣiṇa fires. By honouring his mother he gains this world, by honouring father the middle sphere. If he honours both, his all duties are fulfilled. He should always serve them and do whatever is agreeable and beneficial to them. In no circumstances should he offend them. In no case shall he quarrel with them.[5] Thus he is freed from all sins.

The above statements testify to the fact that father was the object of deep reverence for his children. On the birth of the first child the man earned the title of a father.[6] For serious crimes, he could be driven out by his father.[7] Manu allows the father to beat his son in order to correct him.[8] Such beating could be done on his back with a rope or a split bamboo; but it should not be done on vital parts.[9] A father should not defame his son otherwise he was to pay one hundred paṇas as fine.[10]

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1. Manu. 9. 101-102
2. Ibid. 9. 96.
3. Prabhu (P.N.): op. cit; p. 241.
4. Manu. 2. 225-29.
5. Ibid. 2. 231-35
6. Ibid. 4. 162, 180.
7. Ibid. 7. 389.
8. Ibid. 4. 164.
9. Ibid. 8. 299-300.
10. Ibid. 8. 275.

Manu declares that a mother is more venerable than a father. She is even more venerable than father's sister, mother's sister and sister.[1] Mother was more responsible for the proper upbringing of the child. Her influence on the child went a long way in forming his personality since he remained under her care right from the beginning.

Brother and Sister:

A student should behave towards his elder sister exactly in the same manner as towards his mother.[2] At the initiation ceremony he should beg from his sister.[3] She will never refuse him for the food. In the absence of the mother she took care of her younger brothers.

Brother is the image of one's own self.[4] One should not show disrespect to his elder brother.[5] One should not quarrel with him.[6] The elder brother is equal to the father.[7] If the elder brother behaves elderly he should be treated like mother and father. If he behaves otherwise, he should be treated like a kinsmen.[8] Let the elder brother support his younger brother like a father and the later should behave like a sona unto him.[9] The elder alone may take the paternal estate, the younger should live under him just as he lived under his father.[10] He who defames him shall be compelled to pay one hundred paṇas as fine.[11] Sometimes the brother gave his sister in marriage to the bridegroom with the permission of his father.[12] Each brother gave one-fourth part of his share to his unmarried sister. If he refused to give it he was treated like an outcast.[13] If the eldest brother cheated the younger brother, he was not to receive the eldest son's additional share and was punished by the king.

1. Manu. 2, 133.
2. Ibid.
3. Ibid. 2. 50.
4. Ibid. 2. 225.
5. Ibid. 2. 226.
6. Ibid. 4. 180.
7. Ibid. 4. 184.
8. Ibid. 9. 110.
9. Ibid. 9. 108.
10. Ibid. 9. 105.
11. Ibid. 8. 275.
12. Ibid. 5. 151.
13. Ibid. 9, 11

A share out of the father's estate was not to be given to the brother who committed bad acts. Normally, the eldest brother gave an equal share to his younger brother or brothers. If the elder or the younger brother was deprived of his share, or if either of the two died his share was not lost to his immediate heirs. His uterine brothers, reunited brothers and uterine sisters could equally divide it among themselves. According to Medhātithi reunited brothers and unmarried sisters got the share of the deceased brother. In their absence it went to non-reunited brothers and finally to reunited half-brothers.[1] If the brother did not wish to take his share out of his father's estate then the other brothers could receive a trifle out of his share to live upon. What one brother earns by hard labour without investing the ancestral wealth that he should not share with his brothers unless by his own will.[2] A younger brother who marries or kindles the sacred fire before his elder brother should not be invited to the Śrāddha feast.[3] One who marries before his elder brother is known as Parivettṛ; and one who performs Agnihotra before him will be known as Parivittṛ. Such a person falls into hell. One who dallies with the widow of a desceased brother must be known as a Didhiṣūpati.[4] The son of one brother was considered as the son of other issueless brother.[5] Unmarried brothers and sisters were the important members of the joint family in ancient times.

Son and Daughter:

The position of the son was very high in the family. Marriage was solemnised with a view to cast off debt one owed to his ancestors. Manu defines *Putra* as one who saves his ancestors from the hell named *Pum*. A grandson and the son of the daughter had an equal position in regard to the performance of post-cremation activities. A son of an appointed daughter could first offer rice-cakes to his mother, second

1. Manu. 211-14.
2. Ibid. 9. 207-8.
3. Ibid. 3. 154.
4. Manu. 3. 171-73.
5. Ibid. 9. 182.

to her father, third to his father's father. An adopted son could also inherit property.[1] It was the duty of the son to show respect to his father, mother and teacher.[2] The personal soul was made fit for union with Brahman by the procreation of sons.[3] Through a son the man could conquer the worlds, through a son's son he could obtain immortality but through his son's grandson he gained the world of the Sun.[4] For the sake of the son even a widow was permitted to have intercourse with a man.[5] To cast off one's son was enumerated among offences[6] (Upapātaka). A person who cast off his son was fined six hundred paṇas by the king. He could be abandoned only if he performed a crime which amounted to loss of caste.[7] A son was declared to have no property.[8] Only after the death of the parents, he was entitled to the estate.[9] The sons born of wives of the same caste could equally divide the estate. The additional share went to the eldest son.[10] The sons could take only the paternal estate.[11] A son was not obliged to pay what remained unpaid of a fine, a tax or duty, etc.[12] He could be beaten by his father if he committed faults.[13] A Brahmin who forsook his parents was not invited at the Śrāddha ceremony.[14] The parents were not to quarrel with their sons if they wished to conquer the world of gods.[15] He was to be considered as one's own self by his father.[16] Childless persons used to adopt sons. But such a son could not take the name and estate of his real father.[17] The male issue belonged to the begetter but according to some he belonged to the owner of the woman i.e., to husband.[18] A son born after partition took the property of his father.[19] A son born secretly in a house belonged to him

1. Manu. 9. 138-141.
2. Ibid. 2, 145-48, 225-27 ;
3. Ibid. 2. 28.
4. Ibid. 9. 137.
5. Ibid, 9, 60.
6. Ibid. 11. 60.
7. Ibid. 8. 389.
8. Ibid. 8. 416.
9. Ibid. 9. 104.
10. Ibid. 9. 156.
11. Ibid. 8. 185.
12. Ibid. 8. 159.
13. Ibid. 4. 164; 8. 299-300;
14. Ibid. 3; 157, 159
15. Ibid. 4. 180.
16. Ibid. 4. 184.
17. Ibid. 9. 141-42, 159.
18. Ibid. 9. 31-56
19. Ibid. 9. 216.

of whose wife he was born.[1] People could sell their sons to the issueless.[2] The eldest son made the family prosperous or ruined it. He was responsible in both ways. If he acted wisely he became worthy of honour and earned respect from the virtuous.[3] In the joint family the eldest son alone become the head of the paternal estate and others lived under him just as they did under their father. The eldest son took one-share in excess.[4] The additional share for the eldest was one twentieth.[5] The son of a remarried woman was not allowed to dine at a Śrāddha rite.[6] The gloom of the next world could not be overcome by the help of bad substitute for a real son.[7] Manu declares that the eldest son to whom the father passed his debt and through whom he obtained immortality was begotten only for the fulfilment of dharma; other sons were born merely for the satiation of desire.[8] From this statements it is clear that the son had a very important position in the family. The eldest son played a prominent part in the affairs of the family.

Manu enumerates twelve kinds of sons, viz. Aurasa, Kṣetraja, Dattaka, Kṛtrima, Guḍhayam, Apaviddha, Kānīna, Sahoḍha, Krītaka Paunarbhava, Svayaṁdatta, Parāśava,[9] A son born of the wife of the same caste is known as Aurasa, A son begotten on the wife of a dead person, diseased person and an impotent person, by a man of the same gotra, is called Kṣetraja. A son given to a person of the same caste by his parents in distress is known as Dattaka. An adopted son is called Kṛtrima. He should be equal by caste, acquainted with right or wrong and endowed with filial virtues. He who is born secretly in the house and whose father is unknown is called Guḍhotpanna. He whom a man receives as his son, deserted by his parents or by either of them, is called a Apaviddha. A son whom an unmarried damsel secretly bears

1. Manu. 9. 159, 170,
2. Ibid. 9. 160, 174.
3. Ibid. 9. 109.
4. Ibid. 9. 117.
5. Ibid. 9. 112-113, 115.
6. Ibid. 3. 150, 181 ; 9. 160.
7. Ibid. 9. 161.
8. Ibid. 9. 107.
9. Ibid. 9. 166-178.

in the house of her father is called Kānīna.. He belongs to the person who weds him afterwards.

A child born of a pregnant bride is known as Sahoḍha (a son received with a bride). A son bought from his perents by a man is called a Krīta. A son born of a remarried woman is called Paunarbhava. If a boy abandoned by his mother without any cause or whose parents are dead, goes to a man himself and becomes his son is known as Śvayaṁdatta (self-given). The son whom a Brahmin begets through lust on a Śūdra female is a corpse (śava) and hence called Parāśava (a living corpse). Manu considers a daughter's son to be an Aurasa and makes no distinction between a grandson and a son of the daughter, for a father gives his brotherless daughters in marriage to a man with the understanding that the son born to her will belong to him. Of these the first six types of sons are heirs and kinsmen, but the latter six are not heirs but only kinsmen[1]

Two kind of sons, a Kuṇḍa and a Golaka, are born of wives from other men. He who is born while the husband lives, will be a Kuṇḍa and after the husband's death, a Golaka.[2] They are considered as the two kinds of Parāśava.

The description of twelve kinds of sons given by Manu shows his preference for the son. This indicates the eagerness of the man to get at least a son by whatever means he can. The son is considered a necessity for the continuation of the family and also because he satisfies the pitṛs by offering libations of water and food at the Śrāddha rites. The birth of a son was an occasion for rejoicing and the birth of a daughter was an occasion for sorrow. Manu enjoins that a daughter should be treated with great tenderness.[3] One should never quarrel with her.[4] He who has no son may make his daughter (as Putrikā) by saying (to her husband): "The male child born of her shall perform my funeral rites." Even the creator appointed his daughter in order to multiply his race. Such a daughter is equal to a son with the right to inherit the estate of the father.

1. Manu. 9. 159-160.
2. Ibid. 3. 174.
3. Manu. 4. 185
4. Ibid. 4. 180

This right of her cannot be lost even if her father gets a son after appointing her a successor to his estate. Uumarried daughter shared the property of her mother, but the son of the appointed daughter was debarred from that. In the absence of a son the son of an appointed daughter took the estate of his maternal grand-father. He could also take the estate of his own father who left no other son.[1] Unmarried daughter received from each of her brothers, after the death of father one-fourth of his share.[2] It was the duty of the father to give her in marriage at proper time.[3] If the father found a suitable match he gave her to him even if she was not of marriageable age. She was to live unmarried till her death in the house of her father rather than marry a man bereft of qualities. If the father was unable to find a suitable bride-groom for his daughter who was of marriageable age, she was free to choose her husband and by doing so was not to incur any sin. A maiden who chose for herself, was not to take with her any ornament given by her father or mother or brother, if she carried them away it was considered to be a theft.[4] Once a daughter was betrothed, she was given to him only.[5] After promising a daughter to one man he was not to give her to another.[6] Moreover, one was not to deceive the bridegroom by showing one and giving another daughter.[7] Manu has severely condemned the sale of daughter by her father. Not to speak of a twice-born man, he does not allow even a Śūdra to sell his daughter in marriage.[8] A man who through greed accepts even a smallest gratuity virtually sells his daughter.[9] One could marry a second time if his wife sucessively gave birth to female children but it could be done only seven years after the marriage.[10] Scattered references to this do occur in the Manusmṛti but it is proved by other evidences quoted above that on the whole the daughter occupied an honourable place in society in the days of Manu.

1. Manu. 9. 127-34
2. Ibid. 9. 118
3. Ibid. 9. 4
4. Ibid. 9. 88-92
5. Ibid. 9. 47
6. Ibid. 9. 99
7. Ibid. 8. 204
8. Ibid. 9. 98
9. Ibid. 3. 51
10. Ibid. 9. 81

8

Position of Women

In the Laws of Manu, we get statements for and against women. Manu has all praise for a chaste woman. Women must be honoured and adorned by their fathers, brothers, husbands and brother-in-laws, desiring their own welfare. Where women are treated with respect, gods are pleased. The sacred rites do not yield fruits if they are mal-treated. That family perishes sooner where the women live in grief. Honouring them brings joy and prosperity to the family. When ill-treated, they pronounce cause on the house with the result, inmates perish quickly as if destroyed by magic. Hence, they should be honoured on festivals with ornaments, clothes and sweet dishes by men who desire welfare. Happiness dwells in the family where husband is pleased with his wife and the wife with her husband. If she is radiant with beauty, the whole house looks bright; but if she is destitute of beauty, all appears small.[1] So the peace and prosperity of the family rest with the pleasure of wife.

Manu is not in favour of women's independence. He is of the opinion that she should always be kept in dependence by the males of the family.[2] Even in her own house she was not free to act independently.[3] In childhood she must remain subject to her father, in youth to her husband, in old age to her sons; a woman should not be independent. By acting otherwise, she makes her own and her husband's families contemptible.[9] To whom her father may give, or her borther with the father's permission, she should obey as long as he

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1. Manu. 3. 55-61
2. Ibid. 9. 2
3. Ibid. 5. 147
4. Ibid. 5. 148-49; 9. 3

as he lives and when he is dead, she should not insult her memory.[1] She should be guarded against evil inclination, however trifling they may appear for if not guarded she may go astray.[2] But Manu feels that none on this earth is able to guard women.[3] Women, who of their own accord keep guard over themselves, are well guarded. Drinking, associating with wicked people, separation from the husband, rambling abroad, sleeping and dwelling in other's houses are such acts as lead them to ruin. She is described as completely animal in her passions and entirely unable to resist temptation.[4] Women do not care for beauty, nor is their attention fixed on age; it is enough if the man is youthful no matter if he is handsome or ugly. Through their passion, mutable temper, and natural heartlessness, they become disloyal to their husbands. They entertain love for bed, seat, and ornaments. They are full of impure desires, wrath, dishonesty, malice and bad conduct. Manu declares: "It is the nature of women to seduce men.[5] A fool and a learned man both could be led astray by women."

She could adept herself to any condition like the river united with the ocean. She could imbibe the good or bad qualities of her husband.[6] Women were created by God to become mothers. Women's sacraments were carried out without the recitation of Vedic mantras. Marriage ceremony was the Upanayana of a woman.[7] Service of the husband was her service of the teacher and residing in her husband's house and doing her household duties was equivalent to the daily sacrifice and worship of fire.[8] Women did not have the right to perform sacrifices. If she performed a sacrifice it displeased gods.[9] Women who performed an Agnihotra would go to hell.[10]

A woman in her monthly course was regarded as untouchable. The husband should not approach her, though over-

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1. Manu. 5. 151
2. Ibid. 9. 5
3. Ibid. 9. 10
4. Ibid. 10, 12-17
5. Ibid., 2, 213-214
6. Manu., 9, 22
7. Ibid., 2, 16
8. Ibid., 2, 67
9. Ibid., 4. 206
10. Ibid., 10, 36-37

powered by passions. Wisdom, strength, sight, longevity will be affected if he sleeps with her in the same bed.[1] A person who touches her in monthly course becomes impure and untouchable, and he is purified only after a bath.[2] Woman's mouth is always pure[3] and this is explained by saying that it is to be regarded as pure for kissing and other intimacies.[4] Woman becomes impure at the birth of a child.[5] At the death of a betrothed woman relatives on both sides are purified after three days.[6] Women, adhering to heretical sects, or causing abortion, killing husbands and drinking liquor, shall not receive any libation.[7] Intercourse with a woman who drinks spirituous liquor or slaughters a woman, is described as offence causing loss of caste.[8] One should not live with the murderer of women.[9] One should not look at a naked woman.[10] A woman who drops filth on the king's road shall be reprimanded and asked to clean the place.[11] A woman who has been pregnant for two months or more shall not be made to pay toll at a ferry.[12] Women is not lost in consequence of adverse enjoyment.[13] On stealing an object, a woman shall incur guilt.[14] On woman, the king shall not inflict punishment with a whip, a cane or a rope.[15] If a woman is without guardian, the king should protect her.[16] The food of an unchaste woman or of a woman in child-bed or of a female who has no male relatives should not be eaten by a snātaka.[17]

What was given in the presence of nuptial fire in the bridal procession, or as token of love or was received from her brothers, mother or father, became the property of a woman.[18] It is ordained that the property of a woman who was married according to the Brāhma, Daiva,

1. Manu. 4, 40-42
2. Ibid., 5, 85
3. Ibid., 5, 130
4. Prabhu (P.N.) : op. cit. p. 277
5. Manu. 4, 212; 5, 85
6. Ibid., 5, 72
7. Ibid., 5, 90
8. Ibid., 11, 67
9. Ibid., 11, 191
10. Manu. 4, 53
11. Ibid.. 9, 283
12. Ibid., 8, 407
13. Ibid., 8, 149
14. Ibid., 12, 69
15. Ibid., 9, 230
16. Ibid., 8, 28
17. Ibid., 4, 211-13
18. Ibid., 9, 194

Ārsa, Gāndharva or Prājāpatya rites belonged to her husband.[1] A righteous king must punish like thieves those who appropriated the property of women who were barren or diseased or widows.[2]

Education :

In the Vedic period we hear the names of certain ladies like Apālā, Ghoṣā and Lopāmudrā who got the revelation of some mantras incorporated in the Ṛgveda.[3] The Upaniṣads mention about the women who possessed the knowledge of Brahma.[4] The Rāmāyaṇa and the Mahābhārata refer to some educated women. It is evident, therefore, that in the Vedic period the female education was not neglected. But in the time of Manusmṛti, on account of the early marriages of the girls, the female education suffered a set-back. Maintenance of the house was the foremost duty of a woman. Women were employed in looking after the income and expenditure of the house, cleanliness of the house, and looking after household duties, such as cooking food etc.[5] and the nourishment of children. Thus domestic education was considered as more useful for her. For such an education there was no need to go out of her house to an āśrama. Her mother could impart this type of education to her at home. Woman's sphere of action lay at home and was such as could help in securing comforts for the husband and other members of the family. In the early Vedic period women could receive the same education on par with men later on, the content and the modes of education for the two differed considerably.[6] Manu does not allow Upanayana of a girl, yet he is in favour of performing other sacraments without uttering Vedic incantations.[7] They did not possess the knowledge of Vedic texts.[8] Neither a

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1. Manu. 9, 196
2. Ibid., 8, 28-29
3. Śat. Br. 5.1.6-10
4. Bṛh. Up. 3.6.8
5. Manu. 9, 11
6. Prabhu (P.N.) : op. cit., pp. 143-44
7. Manu. 2, 66
8. Ibid., 9, 18

girl nor a married young woman could perform an Agnihotra.[1] A Brahmin was forbidden to dine at a sacrifice offered by a woman.[2] Such an act displeased gods and made the pious men impure.[3] She does not need a vow or a fast to reach heaven, instead she should faithfully serve her husband.[4]

Monogamy, Polygamy, and Polyandry:

According to Manu a man should marry a woman of the same Varṇa.[5] Monogamy might have been considered ideal for a man but polygamy was prevalent in practice. A man could wed in other castes too.[6] If a twice-born wedded in his own and other varṇas the seniority, honour and habitation of the wives was settled according to the order of the Varṇa.[7] But the wife of his own caste attended her husband and assisted him in his sacred rites. There is no reference to polyandry in the Manusmṛti.

Prostitution :

The institution of prostitution was known to Manu. A Brahmin snātaka is forbidden to accept food from a harlot.[8] Such a food if eaten deprived him of celestial worlds.[9] A king should punish cunning harlots, who robbed their clients of wealth.

Widow :

Manu has laid down certain duties for a widow. Those duties were very hard and by no means easy to follow by a young widow. She should not do anything which go against his wishes She should emaciate her body at her will by eating flowers, roots and fruits. This diet is prescribed to control her passions. After her husband's death she should not even speak the name of another person.[10] Commenting on

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1. Manu. 11, 36
2. Ibid., 4, 205
3. Ibid., 4, 206
4. Ibid., 5, 155
5. Ibid., 3, 4
6. Manu. 3, 12
7. Ibid., 9, 85-86
8. Ibid., 4, 209
9. Ibid., 4, 219
10. Ibid., 5, 156-158

this verse, Medhātithi condemns the practice of widow burning herself with her husband. Having controlled her sense organs and remaining chaste, the widow should perform duties laid down for a faithful wife to be followed during the life time of her husband. In this way, she could reach heaven even without a son. A widow who out of her desire to have a child transgressed her duty to her dead husband will be disgraced in this world and will not be reunited with her husband in heaven.[1] A virtuous widow resides after death with her husband in heaven if she does not slight him by thoughts, words, and deeds. She gains in this life the highest esteem and in the next world a place near to her husband.[2] A widow's son cannot divide the ornaments worn by her during the life time of her husband. She has got every right to retain them as her personal property.[3] Sons of a Brahmin widow are excluded from the list of persons who could be invited at Śrāddha ceremony.[4] Some times widow was appointed to bear a child from the brother of her deceased husband.[5] She was approached by an appointed person at night anointed with clarified butter keeping silence. She should have only one son from him but never a second.[6] This practice was not judiciously followed by men, so it was censured by virtuous men.[7]

Manu is not in favour of a second marriage for widow. He declares that a second husband is not perscribed anywhere for a virtuous woman.[8] A woman will be called a remarried woman (Parapūrva) if she cohabits with a man of higher caste, leaving her husband of lower caste.[9] Marriage of a virgin widow is permitted by Manu. If the future husband of a maiden dies after betrothal verbally plighted, her brother-in-law weds her according to rule.[10] She should wear white garments and be intent on purity at the time of marriage. Her husband should approach her once in each proper season until

1. Manu., 5, 165-166
2. Ibid., 5, 160
3. Ibid.9, , 200
4. Ibid., 3, 156, 165-66
5. Ibid., 3, 173
6. Manu., 9, 60
7. Ibid., 9, 68
8. Ibid., 5, 162; 9, 65
9. Ibid., 5, 163
10. Ibid. 9, 69-70

the birth of a child. She could contract second marriage if she is abandoned by her husband or if she becomes a widow. Such a woman will be called Paunarbhū.[1] If she be still a virgin or one who returned to her first husband after leaving her, she can perform with her second (or first deserted) husband the nuptial ceremony. A remarried woman who is not a virgin, is unworthy of sacrament. The rules laid down against the widow remarriage indicate that such marriages were in vogue in those days.

Manu declares that if the husband went abroad on some sacred mission, she should wait for eight years, if he went for learning or fame, six years, if he went for pleasure, three years.[2] Commenting on this verse Nandana holds that if after the expiry of these periods, she takes another husband, she incurs no sin. But according to Kullūka and others, she shall go to seek her husband and if she fails in her mission, she can marry afterwards. It can also be interpreted as referring to divorce i.e. after the expiry of term she could divorce him. She should not wait further for his return. Medhātithi does not agree with Nandana and rejects his view saying that she shall support herself as before, by flawless occupations and remain chaste. This interpretation of Medhātithi is quite in agreement with the statements of Manu forbidding the remarriage of a woman.

Property :

As a wife, woman has no access to her husband's property.[3] But what was given in the presence of nuptial fire, what was given on the bridal procession, what was given as token of love and what was received from her brothers, mother or father, was called the six-fold property of a woman.[4] Besides these, a subsequent gift and what was given to her by her affectionate husband went to her offspring even if she died in the life time of her husband. The property of a woman, married according

1. Manu., 9, 175-176
2. Ibid., 9, 76
3. Manu., 8, 416
4. Ibid. 9, 194-19

to the Brâhma, Daiva, Ārsa, Gāndharva or Prājāpatya rite belonged to her husband alone, if she died without issue. But after the death of a woman married according to the Asura rites the property went to her parents if she died issueless. Women should not take property common to her family or common to relatives or belonging to her husband, without permission.[1] Ornaments worn by women in their husbands life time shall not be divided by heirs. Those who divide them become out-casts. Mother's personal property could be shared only by her unmarried daughters.[2]

A widow's son from her brother-in-law was entitled to the property of her deceased husband.[3] The property of a faithful widow without a guardian was protected by a king.[4] The king used to punish such persons who appropriated the property of a widow.

A woman had the right of personal property. Her property was protected by the state in the days of Manu.

Divorce :

Manu believes in the indissolubility of union between husband and wife;[5] he does not allow divorce in normal conditions. Even if she dislikes her husband on account of certain defects, she cannot leave him.[6] Neither by sale nor by repudiation is a wife released from her husband.[7] A husband is declared to be one with the wife.[8] But he could abandon her if he discovered after marriage that the bride suffered from a disease like leprosy or blemish such as loss of virginity, in case these defects were not disclosed to him before.[9] Kinsmen who concealed such defects were punished by law.[10] But if the bridegroom was told about those defects before marriage the kinsmen did not incur punishment.[11]

1 Manu. 9, 199-200
2. Ibid., 9, 131
3. Ibid., 9, 146, 190
4. Ibid., 8, 28-29
5. Ibid., 9, 45-46
6. Ibid., 9, 76
7. Manu. 9, 46
8. Ibid., 9, 45
9. Ibid., 9, 72
10. Ibid., 9, 224
11. Ibid., 8, 205

Niyoga :

Niyoga is referred too in the Manusmṛti. But it is described with reluctant approval. In the absence of a child by her husband a woman was authorised to have a child by cohabiting with a brother-in-law or a close relative (of her husband).[1] The woman was authorised by her husband or after his death by his relatives for Niyoga. It is quite evident, therefore, that some husbands, who were impotant and diseased, authorised their wives to have sons by above-mentioned persons. Even a widow could obtain a child by an appointed man. But she could have only one son by him by no means a second. According to some sages the second son may be lawfully procreated because he who has one son has no son.[2] "After the birth of their child, the two shall behave to each other like father and daughter."[3] But if the two, on account of lust behaved in a contrary manner they became outcasts like one who cohabits with his daughter-in-law or the wife of his preceptor. It is really surprising that in one breath Manu allows this act and in the next contradicts it. He says that those who appoint her to another man, will violate the eternal law. This practice is not sanctioned by any sacred text in the context of marriage. Manu states that the animal act prevailed among men in the reign of Vena. Later on, Manu censures the man who appoints a woman whose husband has died to have children from another man because it caused confusion of varṇas. It is quite plausible that the practice was stopped by Pṛthu who was the son of Vena. Knowing this fact well Manu in his efforts to save future generations from the evil effects of this practice, does not encourage it. But there is enough indication that this practice was in vogue in the days of Manu, that is why he has laid down such rules. He has mentioned a Kṣetraja[4] son i.e. a son born to a woman from a man other than her husband. He could inherit the property of his

1. Manu., 9, 59-61
2. See Medhātithi, Govindrāja, Kullūka on Manu. 9, 61
3. Manu. 9, 62-68
4. Ibid., 9, 159

mother's husband.[1] With a view to organize the society on firm moral basis, the law-giver censured such practices as Niyoga and remarriage of widow.[2]

Status of Woman :

Woman occupied an important place in the family as well as in the society. As mother, daughter, sister and daughter-in-law, she worked for the welfare of the family. The children who were looked after by their mothers became better citizens of the society. It was the duty of every one to give them due respect. They were honoured and adorned by their fathers, brothers, husbands and brother-in-laws desiring their own welfare.[3] The Smṛtis enjoin that by honouring women gods were honoured. The families where they are honoured prosper and where they are dishonoured perish without delay. It is also enjoined that one should give way to woman on the road. Husband and wife should together perform religious rites and sacrifices.[4] Rules of inheritance and marriage indicate that women enjoyed a number of social previleges. But Manu portrays a different picture. Describing the nature of women, he observes that it is the very nature of women to seduce men.[5] Therefore, one should not live even with his mother, daughter, sister etc. in secluded places.[6] But this shows weakness on the part of a man. Wherever Manu speaks ill of women, he only refers to bad women. He condemns such women without reservation. During the period of Manu it appears that women lost many previleges on account of the introduction of child marriages and so greater number of restrictions were imposed on them. Their position further deteriorated as they became dependant on men for their livelihood.[7]

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1. Manu. 9, 146, 190
2. Mukherjee (S); Some aspects of social life in ancient India, p. 161
3. Manu. 3, 55-57
4. Manu. 9, 96
5. Ibid., 2, 213
6. Ibid., 2, 215
7. Mookherjee(S.) op.cit., p. 167.

9

Economic Organisation

A close study of the laws of Manu reveals that the economic conditions of the country were good. The people led a peaceful life with ample to eat and wear. Manu divides the means of livelihood into four types viz. ṛta, amṛta, mṛta and parāmṛta. By ṛta should be understood the gleaning of corns, by amṛta what is given unasked; by mṛta food obtained by begging. Agriculture is declared to be parāmṛta. One may subsist even by the mode called satyānṛta (a mixture of truth and falsehood) but never by (Śvavṛtti) a dog's mode of life. But trade and money lending are Satyānṛta. Service is called Śvavṛtti, one should avoid it.[1] In addition to agriculture and cattle breeding, numerous new occupations came into existence as a result of planned economy. The arts, crafts and sciences assumed the position of independent occupations.

Various professions are prescribed by Manu for the livelihood of different castes. Teaching, studying, sacrificing for himself and for others, receiving and giving of gifts are the six acts prescribed for a Brahmin. Of these six acts, three were his means of subsistence viz., sacrificing for others, teaching and accepting gifts from pious men. The chief occupation of a Kṣatriya was to rule and protect the subjects. To carry arms was the duty of a Kṣatriya that brought him subsistence. The Vaiśya, on the other hand, had trade, cattle rearing, agriculture and money lending as means of livelihood.[2] The Śūdra, the lowest member of the Aryan society, lived at the mercy of the higher varṇas. In fact, it was the duty of the

1. Manu. 4, 3-6
2. Ibid., 10, 75-79

higher varṇas to allot him out of their possession a suitable maintenance, after taking into account his ability, his industry and number of his family members whom he was bound to support.[1]

Among the several means of livelihood the most commendable were the teaching of the Veda for a Brahmin, protecting the subjects for Kṣatriya and trade for a Vaiśya. But in the time of distress the members of higher castes could follow other occupations as well. Thus a Brahmin could subsist by following the occupations prescribed for a Kṣatriya. If still he was unable to maintain himself he should employ himself in agriculture and cattle rearing. Agriculture was not good for a Brahmin or a Kṣatriya because it involved injury to living beings and depended on others. He could sell the commodities sold by the Vaiśya. He was to avoid selling condiments, cooked food and sesamum, stones, salt, cattle, human beings, dyed cloth or hemp of flax or wool, fruits, roots, herbs, water, weapons, poison, meat, soma, perfumes of all kinds, fresh milk, sour milk, clarified butter, oil, wax, sugar, Kuśa grass, beasts of the forest, animals with fangs or tusks, birds, spirituous liquor, indigo, lac and one-hoofed beasts.[2] In such circumstances a Kṣatriya could subsist by all these means; but he could never arrogantly adopt the mode of life prescribed for his superiors. If he did so the king could deprive him of property and banish him. A Vaiśya could take up the work of a Śūdra and a Śūdra could maintain himself by handicrafts, mechanical occupations and practical arts in trying situations.[3] When in danger of losing life a Brahmin could teach, sacrifice, accept gifts and food from despicable men. Thus, he committed no sin. Manu cites the examples of Ajīgarta, Vāmadeva, Bhāradvāja, and Viśvāmitra, who ate the flesh of his son, dog and accepted cows and meat of a dog from a Cāṇḍāla. respectively.[4] Among the acts of accepting gifts from low men, sacrificing for them and teaching them, the first was the

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1. Manu., 1, 91; Ghilidyala (A): Prāchīna Bhāratīya Sāmājika Sansthyaen, pp. 1-22
2. Manu. 10, 80-89
3. Ibid., 10, 95-99
4. Ibid., 10, 103-108

meanest for a Brahmin for it vitiated his next life. The other two acts were performed when he received the sacraments. The acceptance of gifts was allowed even to a Śūdra.

A Brahmin who was unable to maintain himself could glean ears of grains from the field of any one. This was considered better than accepting gifts. Picking up single grain was still more laudable. He could also seek the help of the king.[1]

Learning mechanical art for wages, service, rearing cattle, traffic, agriculture, begging alms, and receiving interest on money were ten modes of subsistence permitted to all in the time of distress. Normally neither a Brahmin nor a Kṣatriya could lend money, but at the time of distress they could lend money even to a sinful man at a small interest.[2]

The Kṣatriya king who, at the time of distress, took even the fourth part of the crops was free from guilt, if he protected his subjects to the best of his ability. Conquest was his peculiar duty and so he was not to turn his back at the battle. Having protected the Vaiśya he could legally tax him for protection.

The Śūdra could attend on a wealthy Vaiśya or serve a Kṣatriya, if he was unable to maintain himself by serving a Brahmin.[3] At times the people adopted means of livelihood different from those prescribed by law.

Occupations :

(i) Teaching was the prescribed means of livelihood for the Brahmins.[4] From the Vedic times to the period of the Manusmṛti the teaching of Vedic literature remained in the hands of the Brahmins. Their duty was to acquire knowledge and to impart the same to the worthy pupils. They occupied the important position of the Guru in society.[5] Manu discourages Brahmin-Brahmacārī form depending solely on non-Brahmin teacher, though it seems that in certain cases, this could not have been avoided.[6]

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1. Manu. 10, 112-113
2. Ibid., 10, 116-19
3. Ibid., 10, 121
4. Manu. 1. 88
5. Ibid., See chapter on Education
6. Manu. 2, 241-44

The Milindapañha too refers to Brahmins who were engaged in teaching. In the story of Nāgasena, a Brahmin teacher is requested by the father of a student,[1] "O Brahmin, please teach the Vedas to Nāgasena." At another place a Brahmin is defined as one who studies and teaches others.[2] Thus both the Brahmanical and non-Brahmanical sources agree in depicting Brahmins as the custodians of learning.

(ii) *Accepting of alms* :

Accepting of alms was a lawful means of subsistence for a Brahmin.[3] Manu says that receiving gifts from an unworthy person or a Śūdra is worse than the act of teaching him or officiating as a priest for him.[4] He should accept the gift only from a worthy man. He is advised to acquire wealth just sufficient to maintain himself and his family and enable him to perform his religious duties without causing harm to others or without worrying his own body.[5] He may either accumulate so much grain (but not more) as would fill a granary or a Kumbhī or he may store as much corn as would satisfy his needs for three days or suffice for the day.[6] One of the four methods, each succeeding one was superior to the preceding one. Patañjali considers Kumbhīdhānyas (Brahmins) as the best of the lot.[7] Manu states that if a Brahmin cannot maintain himself, he should live by collecting the ears left in the field rather than to receive a gift.[8] He should not, even when in distress, hanker after wealth by excessive attachment or do what is forbidden or accept gifts from a person of scandalous character.[9] A Brahmin when oppressed by hunger, should seek help from his pupil or from one who is able and willing to offer a sacrifice. But he should not receive a gift from an irreligious king or any other donor.[10] He may secure gifts from a twice-born if he cannot secure

1. Milindapanha 1.22
2. Ibid.
3. Manu. 4, 2-3
4. Ibid. 10, 109-11
5. Ibid. 4, 2-3
6. Manu. 4, 7-8
7. Mahābhāṣya. 6, 2-3-100
8. Manu. 10, 112; Yāj. 1, 128
9. Ibid. 4, 12-16
10. Ibid. 4, 33

them by any other means.[1] Manu allows him to seek gifts even from Śūdra if he is in extreme distress.[2] But he should not do so for performing a sacrifice as this would cause him to be reborn as a Cāṇḍāla.[3] A Brahmin trying to support his hungry parents or his dependants (wife, sons, etc.) and about to worship gods and honour guests may accept gift from anybody (except from an outcast) but should not satisfy his own hunger with that wealth.[4] Yājñavalkva permits him to do that.[5] Among the persons from whom gifts should not be taken figure the non-Kṣatriya king, the butcher, the oilman, the keeper of a tavern and of a brothel, the courtesan, the king who is avaricious and who transgresses the laws of the Śāstras.[6] An uneducated Brahmin will be reduced to ashes like dry fuel if he accepts gifts of gold, land, horses, cows, food, clothes, sesamum and ghee.[7] Though devoid of learning and penance he who accepts gifts sinks like one trying to cross water in a stone-boat. A gift given to such a Brahmin is fruitless and leads the donor to hell. Nine kinds of snātakas are enumerated who deserve gifts of food and fee outside the altar (Bahirvedī). An unsolicited gift may be accepted even from one who is guilty of bad acts, except from an unchaste woman, an impotent person and an outcast. One should prefer a Brahmin who is neighbour to one who lives far away. But an ignorant neighbourer though a Brahmin should be passed over in favour of a learned Brahmin who lives far away.[9] Non-brahmins could also receive gifts.[10] Manu has more details about those qualified to receive gifts outside the vedī. Gifts to them are obligatory.[11] The Kāmasūtra considers the gift of a thousand cows to Brahmins as one of the highest aims in a rich lady's life even if she be a courtesan.

1. Manu. 10, 102-103; 4, 186
2. Ibid.
3. Ibid. 11, 24-42
4. Ibid. 4, 251
5. Yāj. 1, 216
6. Manu. 4, 84-87
7. Ibid. 4, 188-92
8. Manu. 4, 228: Manu lists several types of men whose gifts are not to be accepted (4, 205-224)
9. Ibid. 8, 392
10. Ibid. 7, 85
11. Ibid. 11, 13

In this case the gift should be made through a third person, she herself being a fallen woman.[1]

(iii) *Working as priests* :

The third principal means of subsistence for a Brahmin was to conduct sacrifices for others[2] excluding the Śūdras.[3] None other than Brahmin could officiate as priest in the sacrifice. Officiating priest was one who being duly chosen for the purpose, could perform the Pākayajñas and Śrauta sacrifices Āgniṣṭoma etc. for another man.[4] But he should offer sacrifice only on behalf of a worthy and pure person. By sacrificing for unworthy men families quickly perish.[5] By sacrificing for multitudes of sacrificers he earned disqualification which deprived him of invitation at Śrāddha.[6] But in the time of distress, he could sacrifice for despicable men.[7] Officiating at sacrifices and imparting education are the two acts which are always performed for those who had received sacraments. Since Śūdra could not have sacraments, he could not employ him as a priest.[8] He who sacrificed for vrātyes could remove his guilt by three Kṛcchra penances.[9]

The four chief priests mentioned in the Manusmṛti are the Hotṛ, Udgātṛ, Adhvaryu and Brahmā. Sixteen priests were engaged for a big sacrifice.[10] The Brahmin so engaged, received his fee at the completion of sacrifice. According to Manu he who does not give fee at the sacrifice becomes equal to one who has not kindled the sacrificial fire.[11] A chariot, a horse, again a horse and a cart should be given to Adhvaryu. Brahman, Hotṛ and Udgātṛ respectively.[12] The payment is obligatory under pain of severe retribution. The organs, honour,

1. Chaklader (H.C.), Social life in ancient India, pp. 74-76
2. Manu. 1, 88; 10, 75-76, Sharma (R.N.) Brahmin through the ages pp. 203-205
3. Ibid. 3, 178
4. Ibid. 2, 143
5. Ibid. 3, 65
6. Mann. 3, 151
7. Ibid. 10, 103
8. Ibid. 10, 110
9. Ibid. 11, 198
10. Ibid. 8, 209-210
11. Ibid. 11, 38
12. Ibid. 8, 209

heaven, longevity, fame, offspring and cattle are destroyed by a sacrifice where insufficient sacrificial fee is paid. A poor man should not offer a Śrauta sacrifice.[1] In addition to the fee, the shares of different priests are also set out. The four chief priests out of the total of sixteen are entitled to one-half of that fee, the next four to half of that, the rest to one-third and one-fourth.[2] If an officiating priest abandons his work, a share only of the fee in proportion to the work done shall be given to him by those who work with him. But after accepting the fee, he who abandons his work, should pay from his share the priest who completes the remaining work. Fines are prescribed in case a sacrificing priest abandons the sacrifice before completion or does not start it, having agreed to do so.[3] A sacrificer who forsakes an officiating priest and an officiating priest who forsakes a sacrificer, each being able to perform his work and not contaminated must each be fined one hundred paṇas.[4] Manu is alive to the need of cultivating good relations between the priest and the Yajamāna and gives it the name of Śravaṇa-Sambandha, this being treated on par with those of artha, yoni and mukha (Guru-Mukha).[5]

The Mahābhāṣya mentions the officiating priest[6] and the Yajamāna,[7] a number of times as also the Hotā[8] the Udgātā[9] and the Adhvaryu.[10] The dress of the priest consisted of a red turban and a white robe.[11]

The Brahmins also acted as the royal priests (Purohitas). Manu lays down, "Let him appoint a domestic priest and choose an officiating priest; they shall perform his domestic rites and the sacrifices for which three fires are required.[12] The priest was sometimes appointed as the tutor of the prince for instructing him in the Śāstras and for conducting the necessary rites up to cūḍākaraṇa (tonsure-rite).[13] The priest

1. Manu. 11, 39-40
2. Ibid. 8, 210
3. Ibid. 8, 206-207
4. Ibid. 8, 388
5. Ibid. 4, 179
6. Mahābhāṣya, 1.1.49
7. Ibid. 1.1.27
8. Mahābhāṣya II. 2, 49
9. Ibid. II. 1, 1
10. Ibid. II. 4, 1
11. Puri. op.cit., p. 168
12. Manu. 7, 78
13. Ibid. 2, 140: Yāj. 1, 34

was an important part of ancient Indian polity. He used to advise the king.

The officiating priest was entertained at Śrāddha.[1] At his death a man becomes impure for one night together with the preceding and following days.[2] He must say, "I am so and so" to the officiating priest and rise to meet him even though he be younger than himself.[3] He was offered the honey mixture whenever he visited the house of a man.[4] One should never quarrel with an officiating priest.[5]

Śrāddha and offering of Food at other occasions :

For Brahmins, another means of subsistence was Śrāddha. At Śrāddha rites Brahmins were regularly fed.[6] Apart from this there were other occasions when Brahmins were entertained with food. One should zealously give food to all created beings.[7] Let him feed two Brahmins at the offering to gods.[8] It is declared that the food must be given to Brahmins.[9] To be fed at sacrifices was the exclusive right of the Brahmins.

Judicial-function of the Brahmins :

Normally the king used to preside over the law courts assisted by Brahmins and experienced councillors.[10] Manu and other law-givers impress upon a king to appoint a learned Brahmin to hear the suits in his absence.[11] He (the Brahmin-judge) was assisted by three councillors who were usually Brahmins well versed in the Vedas. Such a gathering was called a Sabhā. It was the responsibility of the judge to do justice. If he did not do justice, harm would come to him.[12] Manu lays down that a Brahmin who subsisted only by the name of his caste (jāti) or one who merely calls himself a Brahmin

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1. Manu. 3, 148
2. Ibid., 5, 81
3. Ibid., 2, 130
4. Ibid., 3, 119
5. Ibid. 4, 179
6. For details see section on Śrāddha
7. Manu. 9, 333
8. Ibid., 3, 125
9. Ibid., 11, 3
10. Ibid., 8, 1; Yāj. II. 1-3
11. Ibid., 8, 9
12. Ibid., 8, 11-12

(though his origin be uncertain) may at the king's pleasure interpret the law but never a Śūdra.[1] Further a judge should examine the cases of suitors according to the order of the *Varṇas*.[2]

The Brahmins also acted as the councillors of the king in legal matters. King must enter his court together with Brahmins and with experienced councillors.[3] In the presence of Brahmins a witness was asked to give true evidences.[4] They settled doubtful points of law. Whatever was propounded by these Brahmins had a legal force. The śiṣṭas are defined by Manu as persons (Brahmins) who lived in accordance with sacred laws, have studied the Vedas together with its appendages and are able to adduce proof perceptible by senses from the revealed texts. Whatever an assembly of ten or at least three persons, following their prescribed occupations declare to be law, the legal (force of) that must not be disputed. A legal (Pariṣad) consisted of ten members, including three knowing the three principal Vedas, a logician, a Mīmānsaka, an expert in Nirukta and Dharmaśāstra and three persons belonging to the first three stages of life.[5] Brahmins also imposed penance for offences.[6]

Brahmins and money-lending :

A Brahmin is also allowed to practise usury in the time of distress.[7] But he is enjoined to levy a very low rate. Manu says, "Just two in the hundred, three, four and five (and not more) he may take as monthly interest according to the order of Varṇas.[8] But after this period he must purify himself by performing a penance and surrendering the wealth thus acquired.[9]

Military Service :

Here we may add a word or two regarding the adoption of

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1. Manu. 8, 20
2. Ibid., 12, 108
3. Ibid., 8, 1
4. Ibid., 8, 87
5. Ibid., 12, 108-112
6. Manu. 11, 86
7. Ibid., 10, 117
8. Ibid., 8, 142
9. Ibid., 11, 193-194

army service by the Brahmins. Manu explicitly permits them to take up arms in self defence or in defence of women and Brahmins or to prevent the violation of their own duties and to ward off destruction at the hands of the members of the three upper Varṇas. Even killing in such a circumstance is no sin.[1] This implies that in normal conditions a Brahmin should not take to arms. Patañjali refers to two terms viz. Brāhmaṇakā and Brāhmaṇakīya. These terms have been explained in the commentary as village or town where Brahmins wield weapons; that is of Brahmins earning their livelihood by arms.[2]

Brahmins and other occupations :

Besides these professions, the Brahmins followed various other avocations normally the preserve of the lower Varṇas. While supplying the list of unworthy persons who are not to be invited at a Śrāddha, Manu has referred to such avocations. They acted as physicians, temple priests, sellers of meat, shop-keepers, usurers, gamblers, thieves, traders of prohibited articles, loyal servants, cattle breeders, dancers, sellers of spirituous liquor, oilmongers, archers, carriers of load, toddy vendors, trainers of elephants, horses, bulls, camels, astrologers, teachers of art of war, architects, royal soldiers, hunters, farmers, actors or singers, incendiaries, prisoners suborners to perjury, the keeper of a gambling house, sellers of substances used for flavouring food, makers of bows and arrows, bird fanciers, messengers, planters of trees for money, breeders of sporting dogs, falconers, shepherds, keepers of buffaloes and carriers of dead bodies.[3] The Mahābhāṣya also refers to Kāṣṭhbhidbrāhmaṇa and Valabhidbrāhmaṇa.[4] Obviously all the Brahmins could not have acted

1. Manu. 8, 348-49; Sharma (R.N.); Brahmins through the ages, p. 209
2. Pradipa on Mahābhāṣya, 4, 2.2
   Brāhmaṇāḥ āyudha jīvino yatra deśe,
   tasminārthe Brāhmaṇākaḥ śabdo nipātitaḥ
3. Manu. 3, 150-180; Sharma (R.N.): op. cit., p. 209
4. Mahābhāṣya, 3, 4, 1

as working priests, teachers etc. and many among them must have been obliged to seek their living by other means such as those mentioned above. We are told that Brahmin astrologers were present at the time of the birth of the Buddha.[1]

Kṣatriya's occupations :

To carry arms for striking and for throwing is prescribed for Kṣatriyas as a means of subsistence. But among the several occupations for a Kṣatriya the most commendable is protecting the people. According to Manu a Kṣatriya should also carefully avoid the persuit of agriculture which is blamed by the virtuous because it involves injury to earthly beings. He may sell the commodities sold by Vaiśyas, making however some exceptions.[3] Like Brahmin money lending is forbidden even for a Kṣatriya. But in the time of distess he can lend to a very sinful man at a small interest.[4]

Kṣatriyas generally acted as kings, ministers, commanders, officials and soldiers. The whole of the seventh chapter of the Manusmṛti is devoted to the description of the functions and duties of a king. The lord created a king for the protection of this whole creation. A Kṣatriya who has received the sacraments must duly protect this world.[5] Those Kṣatriyas whose ancestors have been royal servants, who are versed in the sciences, heroes skilled in the use of weapons and descended from noble families and who have been tried should be appointed as ministers by the king.[6] They helped the king in the administration of the state.[7] Honest and brave Kṣatriyas were employed as revenue collectors, mine-officers, factory managers and keepers of store-houses by the king. Ambassadors were also appointed from among the Kṣatriyas. Some Kṣatriyas were appointed as supervisors for various branches of business.[8] For his own protection and for the protection

1. Aśvaghośa, Buddhacaritam, 1, 31
2. Manu. 10, 79-80
3. Ibid., 10, 84-85
4. Ibid., 10, 117
5. Manu. 7, 2-3
6. Ibid., 7, 54
7. Ibid.: 7, 57
8. Ibid., 7, 81

the kingdom Kṣatriyas were recruited as soldiers in the army. Kṣatriyas were also appointed as lords of ten, twenty, hundred and thousands villages. One superintendent of all affairs should be appointed by the king. Kṣatriyas were employed as spies to know about the activities of the enemies.[1] Commander-in-chief and other generals were placed at important points at the time of danger.[2] Warriors were specially recruited from men born in Kurukṣetra, Matsya, Pañcālas and Sūrasena.[3]

Vaiśya's Occupations:

To Vaiśyas, Manu assigned, tending of cattles, trade, lending of money and cultivation of the soil. Among these occupations the most commendable is trade for a Vaiśya. The king should order a Vaiśya to trade, to lend money, to cultivate the land or to tend cattle.[4] He should be always attentive to the business whereby he may subsist and to that of tending cattle. Prajāpati is said to have created cattles for Vaiśyas. He should never think of not keeping them. If he adopts the profession of a farmer then he must know the manner of sowing of seeds and of the good and bad qualities of fields and he must perfectly know all measures and weights. When he follows the profession of a trader then he must know the respective value of gems, pearls, corals, metals, cloth made of thread, perfumes and condiments. Moreover, the excellence and defects of commodities, the advantages and disadvantages of different countries, the probable profit and loss on merchandise and the means of cattle rearing, wages of servants, various languages, manners of keeping goods and purchase and sale rules.[6] In the times of distress, a Vaiśya may even maintain himself by a Śūdra's mode of life and he should give it up when he is able to do so.[7] Some wealthy Brahmins shall com-

1. Manu. 7, 113-1 22
2. Ibid., 7, 189
3. Ibid., 7, 193
4. Ibid., 1, 90; 8, 410, 10, 79-80
5. Manu. 9, 326-28
6. Ibid., 9, 329-333
7. Ibid., 10, 98

passionately support both a Kṣatriya and a Vaiśya, if they are distressed for a livelihood, employing them on work which is suitable for the Varṇas.[1]

Occupations of the Śūdras:

The Śūdra community was enjoined upon to serve the three higher Varṇas.[2] A Śūdra whether bought or unbought, the king may compel to do servile work for he was created by self-existent to be the slave of a Brahmin.[3] A Śūdra, though emancipated by his master, is not released from servitude; since that is innate in him, who can set him free from it?[4] They cannot maintain their own property.[5] Service of the learned Brahmins is the highest duty of a Śūdra which leads to beatitude.[6] In the time of distress, he may maintain himself by handicrafts. He should follow those mechanical occupations and those various practical arts by following which the twice-born are best served.[7] The service of Brahmins alone is declared to be an excellent occupation for a Śūdra for only this can bear him fruit. The Brahmins must allot to him out of their own family property a suitable maintenance after considering his ability, his industry and the number of those whom he is bound to support. The remnants of their food, old clothes, the refuse of the grain and their old household furniture must be given to him.[8] No collection of wealth must be made by a Śūdra even though he be able to do it for he who has acquired wealth gives pain to Brahmins.[9] A Brahmin may seige the goods of a Śūdra servant, for he can have no property, his master may take his possessions.[10]

A large number of avocations are referred to in the Manusmṛti. But it is not clear that who persued them. It is quite possible that the men of four Varṇas and other classes followed

1. Manu. 8, 411
2. Ibid., 1, 91; 8, 410
3. Ibid., 8, 413, 418
4. Ibid., 8, 414
5. Ibid., 8, 416
6. Manu. 9, 334
7. Ibid., 10, 99-100
8. Ibid., 10, 123-25
9. Ibid., 10, 129
10. Ibid., 8, 417

them to earn their livelihood viz., artisan,[1] barber,[2] bard,[3] basket-maker,[4] spy,[5] informers,[6] dealers in weapons[7] and so on.

Agriculture:

The importance of agriculture is recognised right from the very beginning. The Vedic economy was based on agriculture. Agriculture was the main occupation of the Aryans. Agriculture is declared to be Parāmṛta (what causes many deaths).[8] Manu is not in favour of agriculture to be followed by Brahmins and Kṣatriyas. But some declare that agriculture is something excellent but that man of subsistence is blamed by virtuous; for wooden implement with iron point injures the earth and the beings living in the earth.[9] He who lives by agriculture may at pleasure sell unmixed sesamum grains for sacred purposes, provided he himself has grown them and has not kept them long.[10] A person could employ labourers in tillage.[11] The agriculture depended on a knowledge of seeds, varieties of soil and its quality.[12] The genuineness of seeds was guaranteed by penalty.[13] Areas sown were called Kedāras.[14] The word Kṣetra (field) frequently occurs in the Manusmṛti.[15] Whatever kind of seed is sown in a field prepared in due season, a plant of that same kind marked with peculiar qualities of the seed spring up in it. Earth is called the primeval womb of created beings. The seed of different kinds sown at the proper time even in one field come forth each according to its kind. The rice called Vrīhi and śāli, mudga-beans, sesamum,

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1. Manu. 8, 65
2. Ibid., 4, 253
3. Ibid., 3, 158
4. Ibid., 4, 215
5. Ibid., 7, 122, 153
6. Ibid., 3, 161
7. Ibid., 3, 160
8. Ibid. 4, 5; Ghildyala (A): Prāchīna Bhāratīya Ārthika Vichāraka, pp. 86-48; Buch (M.A.): Economic life in Ancient India, Vol. I. pp.47-57.
9. Manu. 10, 83-84
10. Ibid., 10, 90
11. Ibid., 4, 253
12. Ibid., 9, 330
13. Ibid., 9, 291
14. Ibid., 9, 88
15. Ibid., 8, 264

māṣa-beans, barley, leeks and sugarcane-all spring up according to their seed.[1] If no agreement with respect to the crop has been made between the owners of the field and of the seed, the benefit clearly belongs to the owner of the field, but if by a special contract a field is made over to another for sowing, then the owners of the seed and the soil both are considered as sharers of the crop. If seed be carried by water or wind into somebody's field and germinates there, the (plant sprung from that) seed belongs even to the owner of the field, the owner of the seed does not receive the crops.[2] He who sells for seed corn that which is not seed corn, he who takes up seed already sown and he who destroys a boundry mark shall be punished by mutilation.[3] For the theft of agricultural implements, king should award punishment. Thus a theft of a plough in the season should be punished more heavily than if it had been committed at any other time.[4] The good seed must not be thrown on barren land because it will go waste.[5] It should be sown in fertile land. A piece of land figures in the list of things which a student could give in dakṣiṇā to his teacher after completion of the Samāvartana-rite.[6]

The laws of Manu refer to two types of land viz., fertile and sterile land.[7] The fertile land popularly known as field, was the property of an individual who was free to sell, lease or gift it. The king took eighth, sixth or twelvth of the agricultural produce as land revenue.[8] The owner of the field should make there a hedge over which a camel can look and stop every gap through which a dog or a boar can thrust his head. This should be done in order to protect the crops from animals. The king cannot punish the herdsmen if their cattles damage to unfencied standing crops.[9] The herdsmen shall be fined one hundred paṇas if his cattles damage an enclosed field near a

1. Manu. 9, 36-39
2. Ibid., 9, 52-54
3. Ibid., 9, 291
4. Ibid., 9, 293
5. Ibid., 2, 112-13
6. Manu. 2, 246
7. Ibid., 2, 112-13; 10, 114
8. Ibid., 7, 130
9. Ibid., 8, 238-39

high-way or a village. But unattended cattle should be driven away by the watchman.

For damage in other fields each head of cattle shall pay a fine of one paṇa and a quarter and in all cases the value of the crop distroyed shall be made good to the owner of the field. But no fine shall be paid for damage done by a cow within ten days after her calving, by bulls and by cattle sacred to gods. If damage is caused by the fault of the husbandman, the fine shall amount to ten times as the king's share. If it be the fault of the servants and the farmer had no knowledge of it, then the fine shall be only half of that. This implies that he has allowed his crops to be eaten by cattle or has not sown the field in proper time.[1] The owner of the land or field should mark the boundaries by trees, clustering shrubs, bamboos of different kinds, tanks, wells, cisternss, fountain, hidden marks, stones, bones, dry cowdung bricks, cinders, pebbles and sand. By these signs, long continued possession and by constantly flowing streams of water the king shall ascertain the boundary of the land of two disputing parties. In the case of doubt regarding these things, witnesses should be depended on. These witnesses shall be examined in the presence of the villagers and also of the two litigants. On just judgement would mean a fine of two hundred paṇas for the persons. On the failure of witnesses from the two villages, the four neighbouring villages shall make as witnesses for a decision concerning the boundary in the presence of a king. In their absence also the men of country can be witnessed. The king can also hear the evidence of hunters, fowlers, herdsmen, fishermen, root- diggers, snake catchers, gleaners and other foresters.

The decision concerning the boundary marks of field, wells etc. depends upon the evidence of the neighbourers. If the neighbourers give false evidences, they should pay the middle most amercement as a fine. He who by intimidation occupies a field, shall be fined five hundred paṇas. If the boundary cannot be ascertained by any evidence, the king should assign his land to each.[2]

1, Manu. 8, 240-243 2. Manu. 8, 245-265

The cultivation of the field to a great extent depended on rains. But the building of tanks, wells, cisterns and fountains where the boundaries (of land or fields) meet, would suggest that these artificial means of irrigation were adopted for cultivation.[1] Sometimes fields had constantly flowing streams of water which were perhaps used for irrigation.[2] The river[3] waters were also used for this purpose as we know that the people mostly lived in the vicinity of rivers in ancient times. Water is described as an indivisible property.[4] The diverters of water courses or obstructors of them were condemned.[5] He who takes away the water of a tank made in ancient times or cuts off the supply of water must be made to pay the first (or lowest) amercement.[6] Manu lays down certain rules prohibiting the defilement of water by men.[7]

Ploughing of fields was done with the help of plough and bullocks.[8] Bullocks were yoked to the wooden plough to make furrows in the soil. The plough-share was made of iron.[9] The crop was gathered on the threshing floor where grains were separated from chaff.[10] A variety of crops are mentioned in the Manusmṛti which could not be had without sowing of the proper seeds and reaping of their produce. Two harvests were usual in spring and autumn.[11] The crops of the following kind of grains were generally cultivated, wheat[12] (godhūma), barley (yava), rice (vrīhi or śāli) sesamum (tila). Mudga-beans, Māṣa beans, leeks (Lahsuna), and sugar-cane (Ikṣu),[13] soma,[14] garlic, onions, mushrooms.[15] Fibre-plants like cotton (Karpāsa), hemp (śaṇa) and flax (kṣuma) were also cultivated.[16]

Tending of cattles :

Tending of cattles was an important occuption in ancient

1. Manu. 8, 248
2. Ibid., 8, 252
3. Ibid., 4, 47
4. Ibid., 9, 219
5. Ibid., 3, 163
6. Ibid., 9, 281
7. Ibid., 4, 46; 48, 56; 11, 174
8. Ibid., 3, 161; 4, 16; 4, 46
9. Manu. 10. 84
10. Ibid., 4, 78; 11, 115
11. Ibid., 6, 11
12. Ibid., 5, 25
13. Ibid., 9, 39
14. Ibid., 8, 158, 180; 8, 80
15. Ibid., 5, 5
16. Ibid.. 2, 41-44

times. People kept a big herd of cows, horses, goats, sheep, camels, elephants, oxen, buffaloes etc.[1] Herdsmen were employed by the owners to rear and look after these cattles. They used to take them to the pasture-land for grazing.[2] Manu lays down that on all sides of a village 'a space one hundred dhanus or three samyā throws (in breadth) should be reserved for pasture, and thrice that space round a town.[3] Cows, bulls, oxen etc. were often given in dakṣiṇā by the sacrificer.[4] The cattle wealth of our country had an intimate bearing on its agricultural development, health and economic prosperity of the people. The welfare and progress were linked up with the cattles' well being. The love and honour shown to cow in India is based as much on a deep rooted sentiment as on economic and health grounds. Oxen, camels, elephants and horses were the means of transport. It was due to the importance of cow and its progeny in the economic life of the country that she became sacred and an object of worship.[5]

In day time herdsman was responsible for the safety of the cattles but during night it rested on the owner. With the consent of the owner the herdsman could milk for himself the best cow out of ten. The herdsman alone shall make good the loss of beast strayed, destroyed by worms, killed by dogs or by falling into a pit, if he did not duly exert himself to prevent it. He will not pay for cattles stolen by thieves in spite of his vigilance. If cattle dies he should carry his limbs like ears, tails etc. to his master and point out their particular marks. If through the laziness of the herdsman a wolf carries away goats or sheep, then he shall pay the loss thus incurred by the owner.[6] If cattle damages a fencied field near a highway or near a village, then only he will pay hundred paṇas as fine.[7] Dairying of milk and ghee was

1. Manu. 3, 142, 162, 166, 271
2. Ibid., 8. 229-34
3. Ibid., 8, 287
4. Ibid., 2, 246
5. Mudagal (R.S.) Political Economy in Ancient India, pp. 76-79
6. Manu. 8, 230-236
7. Ibid., 8, 240

known (Kṣīrabhṛt).[1] There is also mention of dealers in sheep and wool (ūrṇā).[2]

Arts and Crafts:

Manu alludes to a practically self-sufficient rural society and to an economy based on agriculture and hereditary handicrafts. Though this economic system has partly broken down with the growth of industrialization, yet it retains even today its hold on the rural life of India.[3] Arts and crafts were commonly known as śilpa.[4]

Weaving and Sewing :

All kinds of arts and crafts were practised in ancient times. Spinning and weaving were the most important functions of the house ladies. Frequent references to cotton, silken and woollen cloth clearly indicate to the knowledge of weaving among the people. A weaver who has received ten palas of the thread shall return cloth weighing one pala more. He who acts differently shall be made to pay a fine of twelve paṇas. According to Nandana, the weaver is to pay to the king, the profit of each eleventh piece of work which he performs.[5] Not only weaving but sewing or tailoring was also known to people in ancient times. Men and women both wore stitched garments. The profession of a tailor is referred to in the Manusmṛti.[6] Woodwork seems to be well-known in this period. This art goes back to the Ṛgvedic times. The Ṛgveda refers to the art of fashioning, chariots for war and races and carts for agriculture and transport.[7] Manu enjoins upon a king to fight with chariots and horses on even grounds.[8] These chariots were made by carpenters. Wooden utensils, ploughs, doors and windows of the houses, carriages, weapons etc. were all made by the carpenter.[9]

1, Manu. 8. 231
2. Ibid., 3, 166
3. Mudgal (R.S.), op. cit., p. 88; Mookerji (R.K.) ; Hindu civilization p. 170
4. Manu. 2, 240
5. Manu, 8, 387 : Ghilidyala, op. cit., 'Ārthika' pp. 77-78
6. Ibid., 4, 214
7. Ṛ.V. 1, 166, 10; 1, 112, 14
8. Manu. 7, 192
9. Ibid., 4, 210

Metal work :

Manu alludes to all kinds of metallic vessels. The professions of blacksmith and goldsmith were followed by the people in those times. Blacksmiths used to make needles, razors, ploughshares, swords etc. The goldsmiths[1] on the other hand made such objects as ear-rings,[2] niṣka, chain, rings, necklace, anklets, vessels etc. from gold and silver.[3] A man who out of greed has stolen gems etc. is born among goldsmiths.[4] Both these occupations are listed among low occupations. Copper, iron, bell metal, brass pewter, tin and lead were also used for the making of vessels.[5] Caru, Śruk (spoon) and Śruva were made of metals.[6] All vessels made of iron became pure by exposure to the fire.[7]

Pottery :

The potters manufactured earthen pots which were used for domestic and sacrificial purposes. Pitchers, cooking pots and plates generally needed for every house-hold.[8] A hermit receives food in a hollow dish (of leaves) in his hand or in a broken earthen dish.[9] His vessels should not be made of metal.[10] A snātaka should carry a pot of water.[11]

Trade and commerce :

Trade and commerce played an important part in the economic well being of the people. Though it is described as

1. Manu. 4, 215 : Dutt (R.C.): A History of Civilization in Ancient India p. 87. The author says, "Manu knew of goldsmiths and blacksmiths and physicians and speaks of them but does not reckon them as separate castes. They were not castes but profession in Manu's time and still belonged to the common undivided Vaiśya caste."
2. Manu. 4, 36
3. Ibid., 5, 112
4. Ibid., 12, 61
5. Ibid., 5, 114
6. Ibid., 5, 117
7. Ibid., 5, 113
8. Ibid., 5, 123; 8, 289; 11, 183
9. Ibid., 6, 28; 54
10. Ibid., 6, 53
11. Ibid., 4, 53

the lawful and best occupation of the Vaiśyas,[1] yet in practice it was followed by other peoples also. Cereals, livestock, cloth, wool, ropes, herbs, metals, skins, salt wood, utensils, condiments, jewellery, perfumes and liquor, were the main articles of trade. However, the Brahmins were prohibited to trade in cooked food, sesamum, stones, salt, cattle, etc. The king used to fix the rates for the purchase and sale of all marketable goods, having duly considered whence they come, whither they go, how long they have been kept, the probable profit and out lay. Once in five nights, or at the close of each fortnight, let the king publically settle the prices for the merchandise. They should confiscate the whole property of a trader who out of greed exports goods of which the king has a monopoly or the export of which is forbidden.[2] Thus king had a check over the internal and external trade. Those who cheated in the sale of various marketable commodities were described as open rogues.[3] For adulterating commodities and of breaking gems or for improperly boring them, the fine is the first amercement. He who behaves dishonestly to honest customers or cheats in his prices shall he fined in the first or in the middle most amercement.[4] He who cheats regarding seed-corn, should be punished with mutilation.[5] A trader must know the value of gems, pearls, coral, metal, cloth, perfumes and condiments.[6] He must be acquainted with the excellences and deffects of commodities, the advantages and disadvantages of different countries, the probable profit and loss on merchandise. He must be familiar with the proper wages of servants, with the various languages of men, with manner of keeping goods and the rules of purchase and sale.[7] Gold, food-grains, cows were the medium of barter. He who has made a contract to carry goods by a wheeled carriage for money and has agreed to a certain place or time, shall not

1. Manu. 10, 80
2. Ibid., 8, 399-402
3. Ibid., 9, 257
4. Ibid., 9, 286-287
5. Manu. 9, 291
6. Ibid. 9, 329
7. Ibid., 9, 331-33

reap that reward if he does not keep to the place and time stipulated. Maritime trade was also going on in those days. Manu says that whatever rate men fix who are expert in sea voyages and able to calculate the profit according to the place and time and the object carried, that has legal force in such cases with respect to the payment to be made.[1] For long passage the boat hire must be proportioned to the places and times. This rule applies to the bank of rivers but at sea there is no settled freight.[2]

Glass and leather work :

Glass work is also mentioned in the Manusmṛti. Besides, articles of leather were manufactured by the leather cutters.[3] Leather thongs, leather utensils, bridles.[4] bowstring, shoes[5] were made from leather. Skins were also used for making garments.

Transport :

The growth of trade and commerce depends a great deal on the modes of transport, chariots,[6] carriages,[7] carts[8] drawn by horses and oxen were most important means of the disposition of the products to their destinations. Chariot was the most popular form of transport and it was also used for hunting and warfare.[9] Carts laden with vessels full of merchandise shall be made to pay toll at a ferry according to the value of the goods.[10] Ferry boats were used for crossing the rivers.[11] Perhaps large boats were used for maritime trade, camel and elephants were also used as means of transportation.

Weigths, Measures, Currency and Coins :

During the period of the Manusmṛti, Niṣka, Śatamāna and

1. Manu. 8. 156-157
2. Ibid., 8, 406
3. Ibid., 4, 218
4. Ibid., 8, 286-92
5. Ibid., 2, 246
6. Ibid., 7, 192
7. Manu. 8, 292; 156
8. Ibid., 2, 805
9. Ibid., 7, 192
10. Ibid., 8, 405
11. Ibid., 8, 408

Paṇa were recognised units of value. Weights of gold, silver and copper alludes a gold, silver and copper currency. Six grains of white mustard are one middle size barley corn and three barley-corns one Kṛṣṇala (raktikā); five Kṛṣṇalas are one māṣa, and sixteen of those, one suvarṇa. Four Suvarṇas are one pala and ten palas, one dharaṇa; two Kṛṣṇalas (of silver) weighted together must be considered one māṣaka of silver. Sixteen of these make a silver dharaṇa or purāṇa but akarṣa of copper is a Kārṣāpaṇa or paṇa: that ten dharaṇa of silver makes one śatamāna; four suvarṇa must be considered equal in weight to a niṣka[1] Two hundred and fifty paṇas are declared to be the first amercement, five hundred are considered as mean (middle most) but one thousand as the highest. The use of coins was fairly common in the time of Manu. Niṣka may be taken as a coin. The fact that Niṣka is referred to in large number proves that it was used as a coin in the days of the sūtras.[2] The existence of money lending clearly shows the use of currency or coins in the days of the Manusmṛti. All the weights and measures were duly marked. It was the duty of the state to re-examine them after a certain period.[4]

Banking

Interest :

A money-lender may stipulate as an increase of his capital, for the interest allowed by Vaśiṣṭha and take monthly the eightieth part of a hundred. He may take two in the hundred by the month for he who takes two in the hundred becomes not a sinner for gain. Just two in the hundred, three, four and five and not more, he may take as monthly interest according to the order of the castes. No interest on loan if the

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1. Manu. 131-137; Ghildyala op. cit., (Ārthika) p. 80; Buch (M.A.) Economic Life in Ancient India Vol. II 159-165
2. Āp. Ś.S. XX. 2.6; Lāt. Ś.S. IX. 9, 20
3. Manu. 8, 140
4. Ibid., 8, 403

pledge is beneficial nor if he gives or sells it.[1] In money transactions interest paid at one time, not by instalments, shall never exceed the double of the principal, on grains, fruit. wool or hair, beasts of burden it must not be more than five times of the original amount. Stipulated interest beyond the legal rate, being against the law, cannot be recovered; they call that a usurious way of lending ; the lender is entitled to more than five in the hundred. He should not take interest beyond the year, nor much as is unapproved, nor compound interest, periodical, stipulated interest and corporal interest. After paying the interest he should enter into new contract. If he cannot pay he should insert it in the renewal agreement. He must pay as much interest as may be due.[2]

Pledge :

If a beneficial pledge, he shall neither receive interest on the loan nor can he after keeping such a pledge for very long time, give or sell it. A pledge to be kept only must not be used by force by the creditor. if using it, shall give up his whole interest, or if he has spoilt by use he shall satisfy the owner by paying its original price; else he commits a theft of the pledge. Neither pledge nor deposit can be lost by lapse of times. They are both recoverable though they have remained long with the bailee.[3] A pledge is not lost in consequence of adverse enjoyment. The fool who uses a pledge without the permission of the owner shall remit half of his interest as a compensation for such use.[4]

Sureties :

The man who becomes a surety for the appearance of a debtor and produces him not, shall pay the debt out of his own property. But a money due by a surety, or

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1. Manu. 8. 140-43; Buch (M.A.) op. cit.; vol. 2. pp. 93-101
2. Ibid., 8, 151-155.
3. Manu. 8, 143-145. Mitākṣara says, "whatever is placed under the control of the creditor by the debtor as security for the thing lent to him is called *adhi* or a pledge."
4. Ibid. 8, 149-150

promised or lost at play, or due for spirituous liquor etc. the son of the debtor shall not pay.[1] This applies to surety for appearance only. If a surety for payment should die the judge may compel even his heirs to discharge the debt. If the surety had received money from him for whom he stood bail and had money enough to pay then his heir who received it shall pay the debt out of his property. Three suffer for the sake of others—witnesses, a surety and judges. But a Brahmin, a money-lender, a merchant and a king[2] enrich themselves.

Deposits :

An open deposit or a sealed deposit are not lost in consequence of adverse enjoyment.[3] A sensible man should make a deposit only with a person of good family, of good conduct, well acquainted with the law, veracious, having many relatives, wealthy and honourable (ārya). Settled rule in this connection is that as the delivery so must be the redelivery. He who does not restore his deposit to the depositor at his request, may be tried by the judge in depositors absence.[4] On failure of witness let the king actually deposit gold with the defendant under some pretext or other through spies of suitable age and appearance and afterwards demand it back. If the defendant restores it in the manner and shape in which it was bailed, there is nothing in his hands. for which others accuse him. But if he does not restore that gold as he ought to those spies then he shall be compelled by force to restore both deposits. An open or sealed deposit must never be returned to a near relative; for if the recipient dies without delivering them they are lost, but if he does not die they are not lost. If a depositary who of his own accord returns them to a near relative of a deceased depositor, must not be harassed by the king or by the

1. Manu. 8, 158-162 Buch (M.A) op. cit., pp. 88-89. The author says "there are four classes for appearance for confidence, for payment and for delivering the assets of the debtors.
2. Manu. 8, 169
3. Ibid. 8, 149; Buch (M.A.) op. cit., Vol. 2, pp. 104-110
4. Ibid. 8, 179-181

depositor's relatives. He should settle the case with gentle means having enquired into the conduct of the depositary.[1]

In the case of sealed deposit the depositary shall incur no sin unless he has taken out something. A deposit which has been stolen by thieves or washed away by water or burned by fire, he shall not make it good unless he took part of it for himself. Him who appropriates a deposit and him without having made it the judge shall try by all sorts of means and by the oaths prescribed in the Vedas. He who fails to return a deposit and he who demands what he never bailed shall both be punished like thieves or be compelled to pay a fine equal to the value of the object retained or claimed. Same is the punishment for not returning the open deposit. Who returns it by fake pretences shall be punished by various corporal chastisements together with his accomplices.[2] If the depositary who makes false statement regarding the particular description or quantity of the deposit, is liable to fine. Anything delivered or received privately must be privately returned. Thus the king should decide causes concerning a deposit and a friendly loan for use without showing undue rigour to the depositary.

Debt :

Non-payment of debt was an important title of law. According to Manu when a creditor sues for the recovery of money from a debtor, let the king make the debtor to pay the sum which the creditor proves to be due. By whatever means a creditor may be able to obtain possession of his property, even by those means may he force the debtor and make him pay. By moral suasion, by suit of law, by artful management or by the customary proceeding a creditor may recover property lent; and finally by force. A creditor who himself recovers his property from his debtor, must not be blamed by the king for retaking what is his own.[3] But him who denies a debt

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1. Manu. 8, 179-196
2. Ibid., 8, 4
3. Manu. 8, 47-50

which is proved by good evidence he shall order to pay that debt to the creditor and a small fine according to his circumstances.[1]

On the denial of a debt by a debtor who has been required in court to pay it, the complainant must call a witness who was present when the loan was made or adduce other evidence. The plaintiff who calls a witness not present at the transaction who retracts his statements or does not perceive that his statements are confused or contradictory. Or who having stated what he means to prove afterwards varies his case, or who being questioned on a fact duly stated by himself does not abide by it. Or who converses with the witnesses in a place improper for such conversation or who declines to answer a question properly put; or leaves the court; or who being ordered to speak does not answer; or does not prove what he has alleged; or who does not know what is the first point and what is the second fails in his suit. He who having agreed to produce a witness does not produce him, the judge must on these grounds declare to be non-suited. If he does not speak, he may be punished corporally or fined according to law; if a defendant does not plead within three fortnights he losts his cause. In the double of that sum which a defendant falsely denies or on which the plaintff falsely declares, shall those two men offending against justice be fined by the king. A defendant who being brought into court by the creditor and being questioned denies the debt shall be convicted of his falsehood by at least three witnesses who must depose in the presence of the Brahmins appointed by the king.[2] We have elsewhere discussed about the persons who could be made witnesses by creditors and in what manner those witnesses give true evidences. A debt being admitted as due the defendant shall pay five in the hundred as a fine if it be denied and proved twice as much. He who is unable to pay a debt at the fixed time wishes to make a new contract may renew the agreement after paying the interest due.[3] The debtor who

1. Manu. 8, 51
2. Ibid., 8, 52-60
3. Manu. 8, 154

complains to the king that his creditor recovers the debt independently of the court shall be compelled by the king to pay as a fine on quarter of the sum and to his creditor the money due. Even by personal labour shall the debtor make good what he owes to his creditor, if he be of the same caste or of a lower one but a debtor of a higher caste shall pay it gradually when he earns something.[1]

Sale without ownership:

If anybody sells the property of another man without being the owner and without the assent of the owner, the judge shall not admit him who is a thief, though he may not consider himself a thief, as a witness in any case. If the offender is a kinsman of the owner he shall be fined six hundred paṇas; if he is not a kinsman nor has any excuse he shall be guilty of theft. A gift or sale made by anybody else but the owner, must be considered as null and void according to rules in judicial proceedings. He who obtains a chattel in the market before a number of witnesses acquires that chattel with a clear legal title by purchase. If the original seller be not producible the buyer being exculpated by a public sale, must be dismissed by the king without punishment, but the former owner who lost the chattel shall receive it back from the buyer.[2]

Recession of sale and purchases:

If anybody after buying or selling any thing, repent of his bargain he may return or take back that chattel within ten days. But after the lapse of ten days he may neither give nor cause it to be given back; both he who takes it back and he who gives it back except by consent shall be fined by the king six hundred paṇas. A fine of ninetysix paṇas shall be imposed on a man who gives a blemished damsel to a suitor without disclosing her defect.[3]

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1. Manu. 8, 176-177
2. Ibid. 8, 197-202
3. Manu. 8, 222-224

Contracts:

He who is unable to pay a debt at the fixed time wishes to make a new contract may renew the agreement after paying the interest which is due. He may insert the previous unpaid interest in the renewed agreement. He must pay as much interest as may be due. He who has made contract to carry goods by a wheeled carriage for money and has agreed to a certain place or time, shall not reap that reward, if he does not keep to the place and the time stipulated.[1] If no agreement with respect to the crop has been made between the owners of the field and the seed the benefit clearly belongs to the owner of the field; the receptacle is more important than the seed. But if by a speical contract a field is made over for sowing, then both the owner of the seed and the soil are considered sharers of the crop.[2] A contract made by a person intoxicated or in same or a grievously disordered or wholly dependent, by an infant or very old man or by an unauthorised party is invalid.[3] That agreement has been made contrary to the law or to the settled usage, can have no legal force, though it be established by proofs. A fradulent mortgage or sale, a fradulent gift or acceptance, and any transaction where he detects fraud the judge shall declare null and void. Should even a person wholly dependent make a contract for the behalf of the family, the master of the house, whether living in his own country or abroad shall not rescind it. What is given by force, what is enjoyed by force also, what has been caused to be written by force and all other transactions done by force, Manu has declared void.[4]

Non-performing of agreement :

If a man belonging to a corporation inhabiting a village or a district, after swearing to an agreement break through avarice the king shall banish him from his realm. Having imprisoned such an agreement breaker, he shall compel him to pay six niṣkas each of four suvarṇas and one śatamān of silver.

1. Manu. 8, 154-156
2. Ibid. 9, 52-53
3. Manu. 8, 163-165
4. Ibid. 8, 167-68

A king shall apply this law of fines in villages and castes of those who break an agreement.[1]

Non-payment of Wages :

If a servant or workman who without being ill, out of pride fails to perform his work according to the agreement, shall be fined eight Kṛṣṇalas and no wages shall be paid to him. But if he is really ill and after his illness performs his work he shall receive his wages even after the lapse of a very long time. Being sick or well if some one does not perform or cause to be performed by others his work, according to the agreement, the wages for that work shall not be given to him even if it be only slightly incomplete.

The picture of economy that emerges from the foregoing study of the laws of Manu indicates to a well organised rural economy in which important place was given to the traditional occupations of the four castes on the one hand and live-stock, breeding, agriculture, arts and crafts, trade and commerce on the other hand. A proper transport and communication system was developed to suit the needs of the economy. Weights and measures, coinage and currency helped in regulating of the economy.

1. Manu. 8, 218-221

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Cultural Life

(1) *Villages and Cities* :

The village has been the main stay of rural India in ancient times. The general term for village in the ancient literature is grāma.[1] This word is derived from the root *gras* meaning to swallow or to eat. It can also be derived from the root *gam* meaning to go. Although it has come to signify generally a number of residential houses clustered together at a place, yet it cannot be denied that it means something more[2] It is a habitat in the centre of land fit for cultivation.[3] Basham holds that small village was a cluster of hunts, small and large often grouped round a well or pond near which was a small open space with a few trees.[4] This shows that a village must have cultivable land all around it. In addition to the habitat the area of a village comprised cultivable, uncultivable, high, low, watery, dry, forest and grassy lands.[5] According to another view grāma means "an estate or survey village which can pay eighteen kinds of government taxes.[6] Kane observed that "grâma ordinarily meant a village in the modern sense and included several hundred areas of land."[7] Maine points out that an Indian village was divided into three parts like the district of the

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1. R.V. 1.44.10; 1.114. 1; 2.12.7; 5.54.8: 10.146.1; Manu. 3, 103, 153, 239
2. Choudhary (A K.) : Early Medieval Village in North-Eastern India, Calcutta, 1971, p. 32
3. Mārkaṇḍeya Purāṇa, 49, 47
4. Basham (A.L.) The wonder that was India, p. 190
5. Choudhary (A.K.) op. cit., p.32
6. Pran Nath : A srudy in the economic conditions of Ancient India, 1929, p. 26
7. Kane (P.V.) H.D.S. III. p. 140 fn. p. 182

ancient Teutonic cultivating community in Germany, the village itself which was the cluster of residential houses, the arable mark or the cultivated area, and the common mark or the village waste.[1] In this way village included in it the inhabited part as well as all kinds of land.

Śatapatha Brāhmaṇa informs that the villages were connected with roads.[2] The villages had sufficient wealth is evidenced by the occupation of the forest adjoining them by the robbers and thieves. This suggests the material prosperity of the villages. They served as an important economic, political and judicial centres.[3]

Most of the people lived in villages in ancient times. The laws of Manu frequently refer to the villages.[4] It is laid down that disputes regarding boundary between two villages should be settled by the king in the month of Jyaiṣṭha when the land marks were most distinctly visible.[5] Trees, clustering shurbs, bamboos of different kinds, śamīs creepers, raised monds, reeds, thickets of Kubjaka, tanks, wells, fountains, temples, stones, bones, cow's hair, chaff, ashes, potsherds, dry cowdung, bricks, sand, etc. served as the boundary marks between the two villages. The settlement of a dispute regarding boundaries should depend on inspection of the marks and on witnesses.[6] A snātaka should enter a walled village or house except by the gate.[7] The Manusmṛti refers to the lord of a thousand villages.[8] It

1. Maine (H S.) Village communities in the East and West, 1871 pp. 78 103-128; Altekar (A.S.) ; A history of village communities in western India, 1927, pp. 1-10
2. Śat. Br. XIII. 2.4.2., Vedic Index, I.p. 244
3. Saletore (B.A.) Ancient Indian Political thought and Institutions pp. 418-21
4. Manu. 3, 103; 153; 239; 6. 43; Buch (M.A.); op. cit., Vol. 1. pp. 19-26 The author holds, "The village is the result, therefore, in the first place of agricultural necessities. But above all, people always organise themselves for mutual defence against all kinds of hostile forces."
5. Ibid. 8. 245-251
6. Ibid. 8, 253
7. Manu. 4, 73; Ray: A village, towns and secular buildings in Ancient India p. 106
8. Manu. 7, 114-119

appears that a group of thousand villages formed a town. The villages were managed by the officials of the king and the villagers used to furnish daily to the king the articles such as food, drink and fuel which obtained by the lords of the villages on behalf of the king. The village headmen were called grāmikas or grāmaṇis in the days of Manu.[1] Ascetics frequented villages for the sake of food.[2] During this period some villages had lost their independent communal character and come to be reckoned as the property and hence the necessity for the enlargement of the sentence.[3] But arable fields, wells etc. were considered as the private property of the villagers.[4] The temples and public pools or tanks were constructed on common land.[5] On all sides of village a space, one hundred dhanus or three samyā throws in breadth, should be reserved for a pasture and thrice that space round a town.[6]

The wells, tanks, ponds, reservoirs (vāpī), fountains, embarkments (setu), groves, parks (ārāmas), belonging to the villages were well looked after by the village officials.[7] There were cowpens accommodating upto one thousand cows under individual and collective ownership.[8]

Villages in north-eastern India generally possessed land for cultivation. The Manusmṛti refers to the fencing only of those fields which lay by the side of the paths, rather cattle paths or very close the village habitat.[9]

Besides, people also lived in the towns. Towns were sometimes built by the kings in a country which had open and dry climate, where grains were abundant, bereft of epidemic diseases and pleasant.[10] The towns were built

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1. Manu. 7, 114-21. Saletore (B.A.) op. cit., p. 422. The author says "that the king, as typifying the state, was greatly desirous of being in the closest touch with the people in the rural area and of bringing the villages under the central administration
2. Ibid. 6 43
3. Manu. 8, 245
4. Ibid. 8, 262
5. Ibid. 8, 246
6. Ibid. 8, 237
7. Ibid. 3, 201-203
8. Ibid. 9, 127
9. Ibid. 8, 240
10. Ibid. 7, 70

according to a well planned scheme.[1] This view is strengthend by the fact that a man who destroyed the wall of a town or filled up the ditch round a town or broke a town gate, was punished by the king.[2] The town had gates in all the four directions. This is clear from the statement of Manu which lays down that a dead Śūdra should be carried out by the southern gate of the town, but twice-born men by the western, northern or eastern gates. According to Medhātithi and Kullūka it means a Vaiśya should be carried by the western gate, a Kṣatriya by the northern and a Brahmin by the eastern.[3] These villages and towns had high-ways built nearby[4] and had roads for traffic.[5] Thus the art of road making was well-known. All prisons should be made near a high-road where the suffering offenders could be seen.[6] Royal thoroughfares were reserved for the king's use. A person who except in a case of extreme necessity drops filth on the king's high road (Rājamārga) should pay two Kārṣapaṇas and immediately remove that filth.[7] The towns were governed by officials who had to take into consideration the variety of interests such as the assembly-hall, tanks, shops or hotels, taverns, places for festvities and theatres, labour colonies, brothels,[8] stores and magazines.[9]

(ii) *Building- activity* :

Frequent mention of the houses in the Manusmṛti suggest that people lived in houses. Having taken a wife, a snātaka must dwell in his own house during the second period of his life.[10] The decision concerning the boundary marks of houses depended upon the evidence of the neighbours.[11] Two-hundred paṇas is the fine prescribed for a person who by intimidation possessed himself of a house.[12] He who

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1. Manu. 8, 237
2. Ibid. 9, 289
3. Manu. 5, 92: Medhātithi's and Kullūka's commentary on this verse.
4. Ibid. 8, 240
5. Ibid. 9. 282
6. Manu. 9, 288
7. Ibid. 9, 82
8. Ibid. 9, 264-65
9. Ibid. 9, 280
10. Ibid. 5, 169
11. Ibid. 8, 262
12. Ibid. 8, 264

uses without permission a house belonging to another takes upon himself one-fourth of the owner's guilt.[1] Earth,[2] stones, bricks, pebbles, timber and sand were used for the construction of a house.[3] Houses were constructed in rows[4] with lanes and roads between them.[5] They contained several storeys.[6] For his safety a king should build a fortress protected by a desert or a fortress built of stone and earth, one protected by water or trees or one formed by an encampment of armed men or a hill fort.[7] Hill-fort is described as the best among the fortresses.[8] These forts were so strong that it was not easy for the enemies to penetrate them.[9] Kings lived in spacious palaces which were built in the centre of the fort. They were well protected, habitable in every season, resplendent with white wash, supplied with water and trees.[10] Thus the art of house-building or fort-building attained a considerable standard in the period of the Manusmṛti. The art of house-building was called Vāstu-sampādana and the architect Gṛhasamveśaka (building-engineer).[11]

(iii) *Food and Drinks* :

Vegetarian and non-vegetarian types of food were served at both formal and informal occasions. Food, grains vegetables, meat, milk products such as ghee and curd served as the staple diet of the people in those times. Food-grains mostly included in them, wheat, rice, barley, sesamum, mudgabeans, māṣabeans,[12] salt[13] and sugar.[14] The most prominent dish in the first place was a large bowl of rice; this was accompanied by soup or broth and vegetables and was eaten with milk and curd, clarified butter and honey. After this came spiced puddings, milky messes of various roots of herbes

1. Manu. 4, 202
2. Ibid. 7, 70
3. Ibid. 8, 250
4. Ibid. 8, 392
5. Ibid. 4, 45
6. Ibid, 3, 91; For details see Ray, op. cit., 1964 p. 20
7. Manu. 7, 70-71
8. Ibid. 7, 73
9. Ibid. 7, 76
10. Ibid. 3, 255
11. Ibid. 3, 163
12. Ibid. 5, 27
13. Ibid. 5, 73
14. Ibid. 5, 7

and ripe fruits and then savoury meat and sweet smelling or aromatic drinks.[1] These hard and soft foods may be eaten though stale, after having mixed with fatty substances and so may the remains of sacrificial viands.[2] But all preparations of barley and wheat, as well as preparations of milk may be eaten by twice-born men without being mixed with fatty substances though they may have stood for a longtime. Rice-cake was produced from parched rice fried in butter. These cakes were called Puroḍāsa.[3] The Manusmṛti mentions boiled barley gruel as a food.[4] The hermits in the forest lived on vegetables that grow on dry land or in water, flowers, roots and fruits, the productions of pure trees and oils extracted from forest fruits.[5] They may constantly subsist on flowers, roots and fruits alone which have been ripened by time and have fallen spontaneously.[6] If voluntarily offered one may accept water, flowers, sour-milk, grain, sweat milk, meat and vegetables.[7] The food eaten by hermits, milk, soma-juice, meat which is not prepared with spices and salt unprepared by art, were called sacrificial food on account of their nature.[8] The ancestors of men were believed to be satisfied for one month with sesamum grains, rice, barley māṣabeam, water, roots and fruits.[9] They were satisfied for endless time by the vegetable called Kālasāka. Food was also mixed with honey and offered at Śrāddha.[10] Milk-rice preparation was commonly used in those days.[11]

Honey was quite popular with the people. A king and a Śrotriya who came on the performance of a sacrifice were honoured by honey mixture.[12]

Garlic, leeks and onions, mushrooms and all plants springing from impure substances were unfit to be eaten by twice-born men.[13] One should carefully avoid red exudation from

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1. Mann. 3, 226-27
2. Ibid. 5, 24-25
3. Ibid. 6, 11
4. Ibid. 6, 20
5. Ibid. 6, 13
6. Ibid. 6, 21-25
7. Ibid. 4, 250
8. Manu. 3, 257
9. Ibid. 3, 267
10. Ibid. 3, 272-73
11. Ibid. 3, 271
12. Ibid. 3, 120: 5, 41
13. Ibid. 5, 5-7

trees and juices flowing from incisions, the selu fruit and thickened milk of cow which she gives after calving. Rice boiled with sesamum, wheat mixed with butter milk and sugar, milk-rice and flour-cakes which were not prepared for a sacrifice, meat not sprinkled with water while sacred texts were recited, food offered to the gods and sacrificial viands, should not be eaten.

Manu has several rules regarding meat eating.[1] Brahmins can kill animals for sacrifices and sometimes for the maintenance of their dependants.[2] He thinks that this practice goes back to Vedic times. As regards meat-eating, only the flesh of animals, hallowed by mantra recitation could be partaken of by a Brahmin.[3] If he had a strong desire for meat he may make an animal of clarified butter or one of flour and eat that. But the beasts and birds recommended for consumption may be slain by Brahmins for sacrifices and in order to feed those whom they are bound to maintain, for Agastya did this in olden days.[4] Let him avoid all carnivorous birds and those living in villages, one hoofed animals, which are not specially permitted to be eaten and the Tittibhā.[5] The sparrow, the Palva, the haṁsa, the Brāhmaṇi duck, the village-cock, the Sārasa (crane), the Rajjudāla, the wood-pecker, the parrot, the starling, having beaks, web-footed birds, the Koyaṣṭī, those which scratch with their toes, those which dive and live on fish meat from slaughter house and dried meat, the Baka and the Balākā crane the raven, the Khañjaritaka (animals) that eat fish, village pigs and all birds or fishes-all these are to be avoided. Manu does rot favour fish eating because its eating amounts to the eating of every kinds of flesh. But Pathian, Rohita fishes may be eaten if used for offerings to the god or to the manes. Rājivas, Simhatuṇḍas and Sasalkas (types of fishes) could be eaten on all occasions.[6] Five-toed (animals) and solitary or unknown beasts and birds should not be eaten. The procupine, the hedgeboy, the iguana,

1. Manu. 5, 23, 27, 36
2. Ibid. 5, 22-23
3. Ibid. 5, 36-37
4. Manu. 5, 22
5. Ibid. 5, 11
6. Ibid. 5, 12-16

the rhinoceros, the tortoise and the hare were declared as a eatable, likewise those domestic animals that have teeth in one jaw only excepting camels.

A twice-born man who deliberately eats mushrooms, a village pig, garlic, village cock, onions or leeks will become an outcast.[2] He who unwittingly partakes of any of these six shall perform a sãmtapana (Kṛcchra) or the lunar penance (cāndrāyaṇa) of ascetics; in case (he has eaten) any other kind of forbidden food he shall fast for one day and a night. Once a year a Brahmin must perform a Kṛcchra penance, in order to atone for unintentionally eating forbidden food; but for intentionally eating forbidden food, he must perform the penances prescribed specially. According to Manu who eats meat when he honours the gods and manes, comits no sin whether he has bought it, or himself has killed (the animal) or has received it as a present from others.[1] Lawful eating of meat is favoured by Manu. A man who being only engaged to officiate or to dine at a sacred rite, refuses to eat meat becomes after death an animal during twenty-one existances. Slaughtering of beasts for sacrifices, is not slaughtering, because it gives them higher existence.[2] He who injures innorious beings from a wish to give himself pleasure, never finds happiness neither living nor deed.[3] There is no greater sinner than that man who though not worshipping the gods or the manes, seeks to increase (the bulk of) his own flesh by the flesh of other beings.[4] Manu realized the fact that meat cannot he had without cruelty, so abstaining from it, is praised by Manu. He who does not partake food would not be tormented by diseases.[5] He who avoids meat would get the merit of the performing of a hundred horse sacrifices.[6] The real meaning of the word Mãnsaḥ is : *Me he* (maṁsaḥ) will devour in the next (world) whose flesh I eat in this life. Manu des-

1. Manu. 5, 18-21
2. Ibid. 5, 35-40
3, Ibid. 5, 45
4. Manu. 5, 52
5. Ibid. 5, 48-50
6. Ibid. 5, 53

cribes meat-eating as natural way of created beings but considers abstention from it more rewarding act.[1]

From above discussion it is quite clear that Manu recommends the meat-eating on special occasions and in sacrifices. He is also aware of human nature of meat-eating. But he appreciates the avoiding of meat in ordinary life.

Various products of milk are mentioned in the text, viz., pāyasa, ājya, dadhi, ghṛta.[2] Pāyasya was a popular and favourite preparation of curd and milk.[3] The thickened milk of a cow (which she gives after calving) should be avoided. Similarly wheat mixed with butter, milk and sugar and milk rice, which are not prepared for sacrifice should be avoided. The milk of a cow (or other animals) within ten days after calving, camels, one hoofed animals, sheep, of a cow in heat, or one that has no calf with her, all wild animals excepting buffalos. cows, women and all substances, turned sour must be avoided. Among things turned sour, sour milk and all food prepared of it may be eaten.[4] All preparations of milk may be eaten by twice-born men without being mixed with fatty substances, though they may have stood for a long period.[5]

Drinks:

Soma[6] and Surā drinks are mentioned in the Manusmṛti. Some drink was offered to gods in the sacrifices and Surā was a beverage for common men. Surā is of three kinds, distilled from molasses (gauḍī), ground rice (flour) and Madhuka flowers (Mādhvi). Brahmins, Kṣatriyas and Vaiśyas should not drink surā which is the dirty refuse (mala) of grains, sin also is called dirt (mala).[7] Manu is categorical in interdicting its use to the Brahmins. He says, "Surā (all other) intoxicating drinks and decoction and flesh are all food of Yakṣas, Rākṣasas and Paiśācas; a Brahmin who eats the remnant of the offerings consecrated to the gods must not partake of such (substa-

1. Manu. 5, 55-56
2. Ibid. 3, 226
3. Ibid. 3, 271-274
4. Ibid. 5, 6-10
5. Manu. 5, 25
6. Ibid. 3, 158, 180; 10, 80
7. Ibid. 11, 94-96

nces). He justifies this interdiction by saying that "a Brahmin, stupefied by drunkenness might fall on something impure or might pronounce Vedic texts improperly or commit some other act which ought not to be commited.[1] Further, when the Brahman (the Veda) which dwells in his body is (even) once deluded with spirituous liquor, his brahminhood forsakes him and he becomes a Śūdra.[2] He therefore, includes the surā addict among the great sinners.[3] A Brahmin found guilty of this sin was to be branded on his forehead with the sign of tavern.[4] Such a one was to be awarded the highest amercement and banished after being provided with food and clothing.[5] Serious consequences even after death were foretold for one who took spirituous liquor. It is laid down that the drinker of surā (liquor) shall enter the body of small and large insects, moths, birds feeding on ordure, and destructive beasts.[6] The son of the party owing money for spirituous liqour shall not be obliged to pay.[7] Not only men, even women were addicted to spirituous liquor. Libations of water should not be offered for such women.[8] Drinking of spirituous liquor is enumerated by Manu among the causes of the ruin of women.[9] She who drank spirituous liquor may at any time be superseded by another wife.[10] She is not allowed by the gods to reach the world of her husband (after death).[11]

Manu forbids all kinds of intoxicants to Brahmins at all stages of life.[12] Even a Śūdra becomes patita by partaking of meat and spirituous liquor. Brahmacārins, of whatever varṇa, had to abstain entirely form every kind of intoxicant.[13] If a person knowingly and frequently drinks surā (paiṣṭī), he can be purified only by death by the pouring of boiling surā or water or ghee or cow's urine or milk in his mouth.[14] Kṛcchra

1. Kane (P.V.), History, op. cit., Vol. 2. pt. II. p. 792
2. Manu. 11, 94-97
3 Ibid. 9, 235; 11, 55
4. Ibid. 9, 237
5. Ibid. 9, 241
6. Ibid. 12, 56
7. Ibid. 8, 159
8. Manu. 5, 90
9. Ibid. 9, 13
10. Ibid. 9, 80
11. Mahābhāṣya Vol. II. p. 99
12. Manu. 11, 94
13. Ibid. 2, 177
14. Ibid. 11, 90-92

and Upanayana are prescribed for one who drinks liquor through ignorance.[1] Drinking of spirituous liquors occurs among the ten vices of the king.[2]

Although Patañjali does not like the liquor addict, we find that drinks soft and alcoholic were popular in society.[3] Of the latter he enumerates three varieties, i.e. surā, prasannā and suṇḍa.[4] Interdicting of surā is almost a taboo for a Brahmin and for his wife.[5] As regards the medical treatises, they seem to consider the problem strictly from the view point of health and prescribe its use in limited quantities as curatives. Such use is pleasing, aids digestion and improves intelligence.[6]

IV. Utensils and Tools:

Various utensils and tools have been mentioned in the Manusmṛti. They were made of clay, gold, silver, copper, wood, leather, iron and other metals. Some of these were used for household purposes and some for the performance of sacrifices. The Manusmṛti mentions, a golden vessel, a wooden vessel, camasas and Grāhas (the soma-cups), the caru, Sruke and Sruva (spoons) wooden sword (sphya) Śūrpa (winnowing basket), mortar and pestal,[7] potsherds,[8] lamp,[9] earthen vessels,[10] a gourd (hard portion of a fruit used as a bottle or a flask), a wooden bowl, an earthen dish,[11] leather thongs[12] Sthāli (a plate). In case of damage done to leather or to utensils of leather, wood, or clay the fine shall be five times of their value.[13] The utensils were cleansed by water and earth.[14] Ashes were also used for this purpose.[15]

A club of Khadira wood or a spear sharp at both ends or an iron staff is also mentioned in the text.[16] Rope was used to bring out water-pot filled with water from a well[17] Kumbhas

1. Manu. 11, 146
2. Ibid. 7, 47-52
3. Mahābhāṣya, 3.2.8
4. Puri, op. cit,, p. 98
5. Mahābhāṣya, 6.1.4.84; 3.2.8
6. Caraka Su. 27, pp. 191-93
7. Manu. 5, 112, 114, 116-17
8. Ibid. 4, 78
9. Ibid. 4, 234
10. Manu. 5, 119; 7, 132
11. Ibid. 6, 54, 56
12. Ibid. 8, 292
13. Ibid. 8, 289
14. Ibid. 5, 108
15. Ibid. 5, 111
16. Ibid. 8, 315
17. Ibid. 8. 319

(pitchers) are also referred to by Manu.[1] Vessels were also made from bamboo or other cane.[2] A seat was given to a teacher as a departing gift by the student.[3] A spade of black iron was also used.[4] A vessel of white brass indicates that various metals were used for making it.[5] A smooth board of Śālmali wood was used for washing clothes.[6]

V. Dresses, Toilets and Ornaments:

During the period under review garments made of cotton, wool, flax, hemp, animal skin, silk, Kuśa grass and barks were freely used by the people. It appears that simplicity was the underlying motive behind the use of costumes. Dresses were in conformity with the socio-economic status of the people. Dress, speech and thought of a snātaka must be in conformity with his age, occupation, wealth learning and race.[7] He should not wear old or dirty clothes, if he possesses property.[8] Keeping himself pure and wearing white clothes, he should always study the Veda.[9] He should not eat dressed with one garment only. He should not use garments which have been used by others.[10] A large quantities of grain and of cloth were purified by sprikling of water but the purification of small quantities is prescribed by washing them.[11] Silk and woolen staffs were purified by alkaline earth: blankets with pounded Ariṣṭa (fruit), Anśupaṭṭas with bel fruit; linen cloth with a paste of yellow mustard.[12] A dress was considered as an indivisible object.[13] Dyed clothes were in vogue.[14]

The students, according to the order of their castes, should wear as upper dresses, the skins of black antelopes, spotted deer and he-goats and lower garments made of hemp, flax or

1. Manu. 8, 320
2. Ibid. 8, 327
3. Ibid. 2, 246
4. Ibid. 11, 133
5. Ibid. 4, 65
6. Ibid. 8, 396
7. Ibid. 4, 18
8. Manu. 4, 34-35
9. Ibid. 4, 45
10. Ibid. 4, 66
11. Ibid. 5, 118
12. Ibid. 5, 120; 11, 169
13. Ibid. 9, 219
14. Ibid. 12, 66

wool.[1] He should have new clothes when the previous clothes were damaged, old clothes must be thrown away in the water.[2] He should wear a less valuable dress and ornaments in the presence of the teacher.[3]

A hermit should wear a skin or a tattered garment.[4] He should throw away worn clothes in the month of Āśvina.[5] The ascetics used to wear coarse worn out garments.[6]

Turban was used for the covering of head at certain occasions.

The sacred thread was worn by the twice-born men (Dvijas). It was generally worn over the left shoulder and under the right arm. But sometimes the sacred thread was worn over the right shoulder and under the left arm. It was also worn around the neck.[7] The sacrificial string of a Brahmin shall be made of cotton, twisted to the right and consists of three threads, a Kṣatriya of hempen thread and a Vaiśya of woollen threads.[8]

The girdle of a Brahmin should consist of a triple cord of Muñja grass, smooth and soft, a Kṣatriya of a bowstring made of Mūrvā fibres, a Vaiśya of hempen threads. If Muñja grass be not procurable the girdles may be made of Kuśa Aśmantaka and Balbaja fibres with a single three-fold knot or with three or five knots according to the custom of the family.[9]

The staff was also an important part of the outfit of the students of the three higher varṇas. Thus the staff of a Brahmin shall be made of such length as to reach the end of his hair, of a Kṣatriya to his forehead, and of a Vaiśya to reach the tip of his nose.[10] A Brahmin should have a staff of Bilva, a Kṣatriya of Vaṭa or Khadira and a Vaiśya of Pīlu or Udumbara.[11]

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1. Manu. 2, 41
2. Ibid. 2, 64
3. Ibid. 2, 194
4. Ibid. 6, 6
5. Ibid. 6, 15
6. Ibld. 6, 44
7. Manu. 2, 63; 4, 36
8. Ibid. 2, 44
9. Ibid. 2, 42-43
10. Ibid. 2, 46
11. Ibid. 2, 45

A mention of umbrella (Cuatra) is also made in the Manusmṛti. It is mentioned among the object of dakṣinā. Similarly shoes were also worn. They were enumerated among the objects of parting gift to a teacher by a student.[1] But a student should abstain from the use of shoes and umbrellas.[2]

The act of shaving of the head presupposes the keeping of the hair on the head and also their arrangement by the people. The cūḍākarman ceremony denoted the first cutting of the hair of the child.[3] A student may either shave his head or wear his hair in braids or braid one lock on the crown of his head.[4] The presence of the barber in those times indicates to the practice of hair cutting.[5] The clipping of the hair (Keśānta) was done in the sixteenth year of the Brahmin; twenty-second year of the Kṣatriya and the twenty-fourth year of the Vaiśya.[6] It is laid down that a snātaka should engage himself in studying the Veda keeping his hair, nails and beard clipped.[7] A hermit should always wear his hair in braids, the hair on his body, his beard (being unclipped). Thus some men also supported beard in those times.[8] The ascetics usually had their hair and beard clipped.[9] Women arranged their hair with a comb. They sometimes took the help of some other person for the arrangement of their hair. Manu forbids a student from arranging the hair of the wife of his teacher.[10] Moustaches were also kept by some men.[11] Sapiṇḍas got their heads shaved at the death of children.[12]

Toilets :

Men and women alike were fond of taking of baths daily, because they thought that made their bodies clean and healthy. Early in the morning only a snātaka void falces,

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1. Manu. 2, 246
2. Ibid. 2, 178
3. Ibid. 2, 35
4. Ibid. 2, 10, 219
5. Ibid. 4, 253
6. Ibid. 2, 65
7. Manu. 4, 35, 69
8. Ibid. 6, 6
9. Ibid. 6, 52
10. Ibid. 6, 52
11. Ibid. 5, 141
12. Ibid. 8, 67

decorates his body, bathe, clean his teeth, apply collyrium.[1] One should always bathe in rivers, ponds dug by the gods themselves, lakes and waterholes or springs.[2] A snātaka should never bathe in tanks belonging to others; if he bathes (in such a one), he is tainted by a portion of the guilt of him who made the tank.[3] The body is cleansed by water.[4] While bathing he should submerge his head in the water.[5] A snātaka should neither bathe immediately after a meal nor when he is sick nor in the middle of the night, nor frequently dressed in all his garments, nor in a pool which he does not perfectly know.[6] Far from the dwelling let him remove the water from his bath.[7] He should not bathe naked.[8] At the birth of a child the parents become impure. But the father becomes pure by bathings. A man having spent his strength is purified merely by bathing.[9] A menstruating female becomes pure by bathing after the menstrual secretion has ceased to flow.[10] The mourners bathe during three days to purify themselves. At the death of a relative in distant land, if one knows about it after one year has elapsed, he becomes pure merely by bathing. A man who hears of sapiṇḍa relative's death, or of the birth of son after ten days of impurity have passed, becomes pure by bathing dressed in his garments.[11] Only exudation, semen, blood, brain, urine, faeces, the mucus of the nose, ear-wax, phlegm, tears, the rheum of the eyes and sweat are the twelve impurities of human bodies. These impurities could be removed by earth and water.[12] He who had vomited or purged shall bathe and afterwards eat clarified butter. Bathing is prescribed for him who has had intercourse with a woman.[13] Before the beginning of the sacrifice, the sacrificer should purify himself

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1. Manu. 4, 152
2. Ibid. 4. 203
3. Ibid. 4, 201
4. Ibid. 5, 109
5. Ibid. 4, 82-83
6. Ibid. 4, 129
7. Ibid. 4, 151
8. Manu. 4, 45
9. Ibid. 5, 62-63
10. Ibid. 5, 66
11. Ibid. 5, 76-77
12. Ibid. 5, 134-35
13. Ibid. 5, 144

by bathing.[1] At the completion of the education a student took the final bath.[2] A student should not assist his teacher's wife in the bathe or in shampooing her limbs. This negative reference alludes to the assistance given by other persons in the acts like bathing and shampooing of limbs in those days.[3]

Collyrium (Añjana) and fragrant ungruents were the other accessories of beauty. Both men and women freely applied collyrium to their eyes. After taking bath a snātaka should decorate his body and apply collyrium to his eyes.[4] He should not look at a woman who applies collyrium to her eyes. This rule refers to the anointing of eyes by women in general.[5] But Manu does not allow a student to anoint his body and to apply collyrium to his eyes.[6] Fragrant substances and garlands were used to enhance the beauty of the body.[9] A snātaka should not take off his garland.[8] Flowers are frequently mentioned in the Manusmṛti so it can be safely concluded that they were used in the making of garlands.[9] Flowers were also offered to gods during worship or sacrifices.

Ornaments:

The wearing of ornaments on the different parts of the body, was a common practice prevalent among people in ancient India. These ornaments in made the body more attractive. They were also worn on festive occasions. In Brāhma form of marriage the, father was to give away his daughter, having decked her with ornaments. In the Daiva rite, the daughter was given away to the sacrificing priest, along with the ornaments.[10] He who seeks his own welfare, should always honour woman on holidays and

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1. Manu. 6, 24
2. Ibid. 2, 245
3. Ibid. 2, 211
4. Ibid. 4, 152
5. Ibid. 4, 44
6. Manu. 2, 178
7. Ibid. 2, 177
8. Ibid. 4, 55
9. Ibid. 6, 21
10. Ibid. 3, 27-28

festivals with ornaments, clothes and food.[1] A snātaka should wear two bright golden ear-rings.[2] He should not use ornaments used by others.[3] Frequent mention of gold, silver in the text suggests that ornaments were generally made of gold and silver.[4] Sometimes they were studded with gems. A king should always wear gems which destroy poison.[5] The word goldsmith also occurs in the Manusmṛti but his professions was looked down upon.[6] It is declared that a man who out of greed had stolen gems, pearls or coral or any precious thing was born among goldsmiths.[7] Capital punishment is proposed for a dishonest gold-smith.[8] Again for breaking gems or for improperly boring them, the fine is first amercement.[9] Thus a due place was given to the ornaments in the everyday lives of the ancient people. Manu has alloted to women a love of ornaments.[10] So the ornaments which may have been worn by women during tneir husband's lifetime, his heirs should not divide; those who divide them become out-castes.[11]

VI, Entertainments:

Perferming-Arts :

Music, both vocal and instrumental, was in vogue. Musicians, singers, and dancers are mentioned in the Manusmṛti. But these professions were looked down upon. Manu forbids a person from accepting food from a musician.[12] Singers are to be excluded from Śrāddha.[13] Dancers and singers should be banished from the town by a king.[14] Dancing and singing were enumerated among upapātakas (causing loss of caste).[15] If some one conversed with the wives of singers, he would

1. Manu. 3, 59
2. Ibid. 4, 36
3. Ibid. 4, 66
4. Ibid. 4, 189, 230, 233; 5, 112; 8, 131
5. Ibid. 7, 218
6. Ibid. 4, 215, 218
7. Ibid. 12, 61
8. Manu. 9, 292
9. Ibid. 9, 286
10. Ibid. 9, 17
11. Ibid. 9, 200
12. Ibid. 4, 210
13. Ibid. 3, 155
14. Ibid. 9, 225
15. Ibid. 11, 66-67

not be punished for this act.[1] But the fact remains that arts were practised by men in ancient times. Singing and dancing performances were given in concert rooms.[2] Manu refers to such persons who earned their livelihood by making performances on the stage.[3] These performances were given in play-houses.[4] Actors' food is forbidden.[5] He is not qualified to be a witness in law suits.[6] He is also excluded from Śrāddha.[7] A snātaka should not dance, sing, and play on musical instruments.[8]

Games and Sports:

Horse-race and chariot-race were very popular sports, among people, in ancient times. These races are mentioned in the Brāhmaṇas.[9] Though they are not alluded to in the smṛti yet the presence of horses and chariots suggests that they were indulged in by the people.

Another very popular indoor game of the people was diceplay. The oldest reference to this game is found in the Ṛgveda's Akṣa-Sūkta.[10] Gambling and betting were widely practised in the days of Manu; this is evidenced by many rules laid down by him against these amusements. A wise man should not practise gambling even for amusement, because it had caused enemity in former times.[11] Gamblers and bettors should be excluded from his realm by a king because they cause destruction of the kingdoms. Gambling and betting amount to open theft and so should be suppressed by the king. Defining these two games Manu, says, "When inanimate things are used for staking money on them that is called gambling (dyūta), when animate beings are used for the same purpose, one must know that to be betting (Samāhvaya)." Corporal punishment should be given to those who indulge in these vices.[12] Gamblers were excluded

1. Manu, 8, 362-63
2. Ibid. 9, 264
3. Ibid. 3, 155; 4, 215
4. Ibid. 9, 264
5. Ibid. 9, 264
6. Ibid. 8, 65
7. Manu. 3, 155
8. Ibid. 4, 64
9. Śat. Br. 5.15.17; Ait. Br. 2.9.1
10. Ṛgveda. X. 90
11. Manu. 9, 227
12. Ibid. 9, 221-24

from Śrāddhas.[1] Similarly those persons who were helpers of gambling house and who subsisted by gambling, were excluded from Śrāddha.[2] A snātaka should never play with dice.[3] Gambling is enumerated among ten vices which spring from love of pleasure among kings.[4] So a king should not practise it.

Hunting was also a popular pastime. Kings were very fond of this means of recreation. But Manu forbids a king from indulging in this vice.[5] The food of a hunter was forbidden to Brahmins.[6] Hunter could serve as witnesses in land disputes.[7]

Book-reading was also a means of recreation. But studying of bad books is not permitted by Manu. This offence will cause the loss of caste.[8] People assembled at festive assemblies which offered ample opportunities for entertainment.[9]

VII. Medicines and Diseases:

The Manusmṛti contains references to physician, medicine, diseases and their treatment. The profession of physicians was considered impure and so they must be avoided at sacrifices offered to the gods and to the manes.[10] Food given to physician become pus and blood.[11] The food of a physician is an vile as pus.[12] A snātaka should not eat the food given by a physician.[13] It was expected of a physician to treat his patients carefully. King should punish physicians who act improperly.[14] All physicians who treated their patient wrongly, should pay a fine. It seems that some physicians out of greed wrongly treated their patients.[15] The physician of gods, named Dhanvantri, is also referred to in the text.[16] Medicines

1. Manu. 3, 151
2. Ibid. 3, 59-60
3. Ibid. 4, 74
4. Ibid. 7, 47, 50
5. Ibid. 7, 47
6. Ibid. 4, 212
7. Ibid. 8, 260
8. Ibid. 11, 66
9. Manu. 9, 264
10. Ibid. 3, 152
11. Ibid. 3, 180
12. Ibid. 4, 220
13. Ibid. 4, 212
14. Ibid. 9, 259
15. Ibid. 9, 284
16. Ibid. 3, 85

are said to be attained by austerities.[1] King should punish a person who steals medicines. For stealing medicinal herbs, a man must subsist during twelve days on uncooked grains. Thus theft of medicines considered a crime liable to be punished by law.[2] A few diseases are mentioned the Manusmṛti. They are hemorrahoids, phthisis, weakness of digestion, epilepsy, white and black leprosy,[3] skin afflictions, black teeth, deformed nails, scrofulous swelling of the glands, madness, blindness,[5] clubfoot,[6] dumbness, deficiency in limbs[7] foul smelling nose, a stinking breath, redundant limbs, dyspepsia, lameness and swellings of limbs.[8] Physicians also treated such persons who were bitten by dogs, jackals or donkeys. Manu forbids marriage with a sick person or with one who possessed red hair or red eyes.[9] A diseased man could not give evidence in a law-suit.[10] Diseased men were exempted from taxes. A sick person should be kindly treated by a king.[11]

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1. Manu. 11, 238
2. Ibid. 9, 293; 11, 169
3. Ibid. 3, 7, 161
4. Ibid. 3, 151-53
5. Ibid. 3, 161, 177
6. Ibid. 3, 165
7. Manu. 7, 149
8. Ibid. 11, 50-52
9. Ibid. 3, 8
10. Ibid. 8, 71
11. Ibid. 8, 394-95

11

Funeral-Rites and Srāddhas

A. Antyeṣṭi (Funeral-ceremony):

The ceremonies which were performed before and after the death of a person, were known as Antyeṣṭi rites; they were also called Pitṛmedhayajña. Certain verses of the Ṛgveda and the Atharvaveda refer to the funeral-rites. But the word Pitṛmedha as such is not to be found in these texts. According to Sāyaṇa, burning of the corpse is Pitṛmedha. He also considers the Pitṛmedha as a Yajña. The Śatapatha Brāhmaṇa, the Taittirīya Āraṇyaka, the Śrautasūtras and the Mahābhārata use the word in this very sense.[1]

The horror of death, the conception of the soul after death, the mixed feelings of dread and love, and physical needs, are enumerated as the possible causes for the origin of the ceremonies connected with a dead person by Rājabali Pandey.[2] The last two causes seems to have played a major part in the origination of the observances and taboos. People performed these rites to ward off the influence of the spirit of the dead which they believed, haunted the house. Moreover, this was done out of love for the departed soul and also with a view to help the dead in reaching his destination after death. The corpse could not be kept in the house for the fear of decomposition and pollution.[3] Hence the Antyeṣṭi saṁskāra was evolved to dispose of the dead body.

(i) Froms of disposal:

Various forms of disposal of corpse prevalent from

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1. Śāstri Dakṣina Ranjan: Origin and Development of the Rituals of Ancestor Worship in India, pp. 16-20
2. Pandey Rājabali : Hindu Saṁskāra, pp. 234-36
3. Ibid.

ancient times till today are, the burial, the cave-burial, water-burial, the cannibalism, the sub-aerial deposit, and the fire cremation. There is hardly any reference to show that the cave-burial or cannibalism were used to dispose of corpse. Though the sub-aerial deposit was the simplest way of removing the corpse yet it could not have existed among the Āryans who held the aged in love and respect. Water-burial have been recommended for those who have no survivors to perform their funeral ceremonies.

Burial and burning were the two prominent forms of disposal of the dead body. But in India burial form of disposal existed before cremation is evidenced by the tradition of burying the child under two year, and of the bones and ashes of the dead after cremation. Manu lays down that a child that has died before the completion of its second year, the relatives shall carry out of the village, decked with flowers and bury it in pure ground without collecting the bones afterwards.[1] With the rise in the importance of the sacrifice, cremation became the most prevalent custom. The cremation was considered as a Yajña in which body was offered as an oblation.

(ii) Pre-cremation preparations and cremation procedure:

Manu does not consider it necessary to give minute details about the funeral ceremonies. He generally accepts the rules given in the Gṛhyasūtras. According to the Āśvalāyana Gṛhyasūtra the body should be placed on the cot made of Udumbara with face upwards. A son, a brother, or other relatives, or in their absence who so ever takes the lead should remove the clothes, bathe and cover it with a new garment.[2] Manu enjoins that the corpse should be carried to the place of cremation by kinsmen or men of his own class but in no case by a Śūdra because his touch obstructs his passage to heaven.[3] The corpses of twice-born men should be carried out by the western, northern, or eastern gates but that of Śūdra through the southern gate.[4] This shows that caste con-

1. Manu. 5, 69
2. Aśva. G.S. IV. I, B.G.S.i. 4
3. Manu. 5, 104
4. Ibid. 5, 92

sideration were taken note of even in the funeral ceremonies. The funeral procession should be headed by the chief mourner, generally the eldest son of the dead, and followed by relatives and friends.[1] The pyre was prepared on the cremation ground. The body was placed on the pyre and the fires were lighted by the youngest[2] son or the Adhavaryu priest.[3] A wife of equal caste should be burnt by a twice-born men with Agnihotra fire and with sacrificial implements.[4] The mourners leave the funeral pyre to burn itself away. The members of the procession purify themselves by bathing in the trenches. Then the funeral party returns without looking around. The relatives of the dead bathe in the nearest stream and purify themselves and offer a handful of water to the dead. The collecting of the bones[5] usually took place on the fourth day after the death.[6]

(*iii*) *Period of Impurity*:

Manu gives several rules regarding the period of Aśauca, pollution or defilement. Among sapiṇḍas the impurity lasts ten days.[7] Those who come into contact with a corpse, are purifed after one day and night added to three periods of three days. Those who give libations of water are purified after three days.[8] A pupil who performs the Pitṛmedha for his deceased teacher becomes pure after ten days, like those who carry the corpse out to the cremation ground.[9] One day and night are enough for the purity of the Sapiṇḍas of the dead child whose tonsure has not been performed. In the case of other child (without tonsure) purification period starts after three days.[10] The relatives remain impure for three days at the death of a child under two year. An impurity of one day is prescribed at the death of fellow student. At the death of females betrothed

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1. Pār. G.S. 3, 10; Baud. Pitṛ. 1.1.1-9
2. Kauśika, S. 5, 3, 27-28
3. Vaikh. G.S. 5, 5
4. Manu. 5, 165
5. Āśv. G.S. II. 2-4
6. Manu. 5, 69
7. Ibid. 5, 59
8. Ibid. 5, 64-65
9. Ibid. 5, 67
10. Ibid. 5, 69

but not married the realtions on the side of their in-laws and parents are purified after three days. If a child dies before its naming ceremony no impurity is involved.[1] If a relative dies in a distant land and this news reaches the relatives before ten days then the impurity persists for the remainder of the period of ten days and nights only. If the ten days have passed, they shall be impure during three days and nights but if a year has elapsed, they become pure by bathing, dressed in his garments, one is purified on hearing of a sapiṇḍa relative's death. If an infant that has not teethed or a grown up relative who is not sapiṇḍa dies in a distant country one becomes pure at once after bathing in one's clothes. If within ten days of impurity another death occurs, a Brahmin shall remain impure only until the first period of ten days has expired. At the death of a teacher the impurity lasts three days. But in the case of teacher's son or wife it lasts a day and a night. For a Śrotriya who lives with him out of affection, a man shall be impure for three days; for a maternal uncle, a pupil and an officiating priest or a maternel relative, for one night together with the preceding and following days. If the king is dead he shall be impure as long as the light of the sun or stars shines, but for a friend for a whole day. Likewise for a Guru who has read the Vedas and the Aṅgas, a Brahmin shall be pure after ten days, a Kṣatriya after twelve, a Vaiśya after fifteen days and a Śūdra is purified after a month. He should not lengthen the period of impurity nor interrupt the rites to be performed with the sacred fires.[2] A student must not during his studentship perform the last rites for any deceased relative except his mother, father, and teacher.[3] At the end of the period of impurity a Brahmin who has performed the necessary rites, becomes pure by touching water, a Kṣatriya by touching the animal on which he rides and his weapons, a Vaiśya his goad or the nose-string of his oxen and a Śūdra by touching his staff.[4]

A Brahmin who carried out a dead Brahmin who is not a

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1. Manu. 5, 70-72
2. Ibid. 5, 75-84
3. Medhātithi on Manu. 5, 8
4. Manu. 5, 99

Sapiṇḍa, becomes pure after three days. But if he eats the food of the Sapiṇḍas of the deceased, he is purified in ten days, but in one day, if he does not eat their food nor dwells in their house. Having voluntarily followed a corpse, whether that of a paternal kinsman or of a stranger he becomes pure by bathing, dressed in his clothes, by touching fire, and eating clarified butter.[1] One who has touched a corpse, becomes pure by bathing.[2]

(iv) *Behaviour during mourning period* :

The pattern of behaviour to be adopted by the mourners is also described by Manu. He says mourners should eat food without factitious salt, bathe during three days, abstain from meat and sleep separate on the ground.[3]

From the above description it is quite evident that the caste, age, and sex of a person played an important role at the time of funeral ceremonies. These considerations exist even today in the society.

B. Śrāddhas :

1. *The Purpose* :

Śrāddhas were performed to remember the departed soul. They were considered conducive to the happiness of both the dead person and the bereaved family. In fact Śrāddha is more important than the Deva-rite. The latter is fortified by the former.[4] Manu has eleborately described these rites. The Homa,[5] the offering of the Piṇḍa,[6] and the gratification of the Brahmins by food,[7] were the three constituents of the Śrāddha ceremony.

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1. Manu. 5, 101-103
2. Ibid. 5, S5
3. Ibid. 5, 73
4. Ibid. 3, 203
5. Manu. 3, 210-211
6. Ibid. 3, 247, 260-262
7. Ibid. 3, 3, 125 134, 247

2. *Forms of Śrāddha*:

(*i*) *Ekoddiṣṭa*:

Manu enjoins that one should feed one Brahmin and offer one piṇḍa only without making an offering to the gods, at the funeral sacrifice, performed in connection with recently deceased Aryan, before the perfomance of the Sapiṇḍīkarṇa.[1] This type of Śrāddha was known as Ekoddiṣṭa for it was meant for a single person who had died recently. After feeding a Brahmin, one must ask him if he is satisfied, with the words 'vaditam.'[2] According to the Śāṅkhāyana Gṛhyasūtra, this rite is to be performed monthly for one year after the death because after one year the Sapiṇḍīkarṇa takes place.[3] Having eaten food at the Ekoddiṣṭa rite, a learned Brahmin should not recite the Vedas during three days.[4]

(*ii*) *Piṇḍapitṛyajña*:

The law code of Manu also refers to a Śrauta rite,[5] named Piṇḍapitṛyajña. The word used by Manu to denote this rite is Pitṛyajña.[6] It was believed that after the disposal of the dead body a departed soul becomes *Pitṛa*. Thus it was a Vedic form of ancestor's worship.[7] It was perfomed on Amāvasyā.

(*iii*) *Piṇḍānvāhāryaka*:

There is another funeral sacrifice called Piṇḍānvāhāryaka which is to be performed, month by month on the new moon day. It is performed after the offering of the piṇḍas and with approved flesh.[8]

Giving the difference between the anvāhārya and the Piṇḍapitṛyajña, the Gobhila Gṛhyasūtra states that in this (Anvāhārya)

1. Manu. 3, 125, 134, 247
2. Ibid. 3, 254
3. Śāṅk. G.S. 4.2. 1-8
4. Manu. 4, 110-111
5. Bau. Ś.S. 3, 10-11; 20-21; Bhār. Ś.S. 1.7.10; Āp. Ś.S. 1, 7-10
6. Manu. 3, 122
7. Sharma (R.N.): Culture and Civilisation as Revealed in the Śrautasūtras, p. 164
8. Manu. 3, 122-123

the sacrificer omits the rites of laying down the fire brand, spreading out the layer of grass, anointing the bunches of darbha grass, anointing the pitṛs, offering the perfume and nihavana which are performed in Piṇḍapitṛyajña. The ceremony which consists in sprinking of water from the vessel round the piṇḍapitṛyajña, marks the conclusion of Anvāhārya.[1] By the performance of this sacrifice (Parvaṇa Śrāddha) on the new moon day, one constantly attains the reward of the rite for the dead which is performed according to Smārta rules.[2]

(iv) Sapiṇḍīkarṇa:

The Sapiṇḍīkarṇa, the solemn reception of a dead person among the partakers of the funeral oblations, is performed either on the thirteenth day or a year after the death,[3] up to its performance the Śrāddhas are called Ekoddiṣṭas. After this rite the sons must offer the piṇḍas with prescribed ceremonies.[4]

(v) Ābhyudayika:

Ābhyudayika Śrāddha is also alluded in the Manusmṛti. This Śrāddha is known as Vṛddhi Śrāddha.[5] It was performed as preliminary to any joyful occasion such as marriage, or the birth of a child.[6] After this rite one must ask about the satisfaction of the Brahmins who were f.d, by using the word sampannam.

(vi) Other Śrāddhas:

Goṣṭhī-Śrāddha and Daiva Śrāddha are also mentioned by Manu.[7] Medhātithi explains 'Goṣṭhe' as, 'at a Goṣṭhi Śrāddha', while Kullūka and Raghavānanda explain it as 'in a cow-pen'. In the above rites the words 'śuśrutam' and 'rucitam' respectively must be used for asking Brahmins about their satisfaction.[8]

1, Ramgopal, op.cit., p. 377-78
2. Manu. 3, 127
3. Śāṅkh. G.S. iv. 3; v. 9; Bhār. G.S. III. 10, 48-55
4. Manu. 3, 247-48
5. Ibid., 3, 254
6. Vaikh. G.S. II. 1; 21, 1
7. Manu. 3, 254
8. Medhātithi and others on Manu. 3, 254

The worship of Manes was done on the Aṣṭakas and Anvaṣṭakas to avert evil omens.[1] The Aṣṭaka ceremony is sacred to Rātrī. It brings prosperity. It is sacred to Agni, or to the Pitṛs, or to Prajāpati, or to the season, or to the Vaiśvedevas; thus the deity to which the Aṣṭaka is dedicated is differently interpreted by different authorities.[2] The Anvaṣṭaka is an offering to manes performed after the Aṣṭakas on the pattern of the Piṇḍapitṛyajña.

3. *Time and date*:

The afternoon is better for the performance of a funeral rite than the forenoon.[3] It should be performed thrice a year, in winter, summer, and rainy season but that which is included among the five great sacrifices, every day. It should not be performed at night, nor in the twilight nor when the sun has just risen. One should not perform a funeral rite except on the new moon day.[4]

The days on the dark half of the month, beginning with tenth, but excepting the fourteenth are recommended for a funeral rite. One who performs it on the even lunar days and under the even constellations attains all his desires. One who offers this rite on odd days and under odd constellations would obtain distinguished children. Endless satisfaction comes to him who gives on the thirteenth lunar day in the rainy season under the asterism of Māgha, any food mixed with honey. If the rites are performed on the thirteenth lunar day of the month Bhādrapada and in the afternoon when the shadow on an elephant falls towards the east, the manes will be pleased.[5]

4. *Place*:

It should be performed at a pure and secluded place smeared with cowdung, sloping towards the south. The manes

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1. Manu. 4, 150
2. Ramgopal : op.cit., pp. 414-418
3. Manu. 3, 278
4. Manu., 3, 280-82
5. Ibid., 3, 274-77

are always pleased with offerings made in open, naturally pure places, on the bank of rivers and in secluded spots.

5. *Materials*:

Vessels made of silver or adorned with silver, were used for offering water to the manes. For the sitting of the invited Brahmins, seats made of Kuśa were needed. Garlands and fragrant objects were used for the worship of the Brahmins. Sesamum, blades of Kuśa, and water was offered in the sacrifice.[1] The rice balls (Piṇḍas) were also needed for offerings.[2] Sacred thread,[3] pot,[4] Kutapa[5] (Shawl of Nepal) were also used. The essential riches of a funeral sacrifice were, the afternoon, Kuśa grass, the due preparation of the dwelling, sesamum grains, liberality, the careful preparation of the food and the distinguished Brahmins.[6] The food eaten by hermits in the forest, milk, soma juice, meat which is not cooked with spices and salt unprepared by art, are called, on account of their nature, sacrificial food (material for oblation).[7]

6. *The Performer*:

Normally the eldest son was expected to perform the Śrāddha for his pitṛs. But in his absence other sons could offer the Śrāddha rites. It is enumerated among the five daily sacrifices which are to be performed by the householder.[8] The grandson, the great grandson could also offer the Śrāddhas. But in the absence of these an adopted son could also offer the Śrāddha ceremony.[9] If there was no adopted son of an appointed (Putrikā) or not appointed daughter would perform the Śrāddha for his maternal grand-father. He should first present a funeral cake to his mother, the second to her father, the third to his father's father.[10] A pupil could also offer Śrāddha for his teacher. He who performs the Śrāddha should always control himself and not recite the Veda.

1. Manu. 3, 202-210
2. Ibid., 3, 215
3. Ibid., 3, 214
4. Ibid., 3, 225
5. Ibid., 3, 234-235
6. Ibid., 3, 255
7. Manu., 3, 257
8. Ibid., 3, 70-71
9. Ibid., 9, 137-38
10. Ibid., 9, 142
11. Ibid., 9, 136-140

7. *For Whom a Śrāddha is offered ?*

The Śrāddha is performed for pitṛs. Manu enjoins that water must be offered to three ancestors. According to Kullūka and others 'three' means the father, the grand-father and the great grandfather. To these same three cakes are offered.

8. *The Śrāddha procedure:*

One should invite, with due respect at least three Brahmins who sanctify a company, on the day before the Śrāddha rite is performed.[1] He should offer them seats and worship them with garland and fragrant objects. After giving them water, sesamum grains and blades of Kuśa grass, the Brahmin should offer oblation in the sacred fire with the permission of the invited Brahmins. He should pour oblations to Agni, Soma, and Yama. Then he should satisfy the manes by sacrificial food. But in the absence of sacred fire, he should offer the oblations into the hand of a Brahmin. Medhātithi, Kullūka and others point out that cases, where a sacred fire is wanting, are those in which a child, an unmarried man, or a widower performs a Śrāddha. Brahmins who were free from anger, easily pleased, employed in making men proper, were considered as the deities of the funeral sacrifice. The whole series of ceremonies should end in south and then he should sprinkle water with his right hand on the spot where the cakes are to be placed. Concentrating his mind and turning towards the south, he should offer the three cakes made of remaining sacrificial food.[2] The burnt oblations offered at Śrāddha must not be poured into the common fire.[3] He should wipe the same hand with those blades of Kuśa grass for the sake of three ancestors who partake of the wipings (lepa). Having sipped water turned round (towards the north) and thrice slowly suppressed his breath the sacrificer, the knower of sacred texts, should worship the six seasons and the manes. He should gently pour out the remainder of the water near the cakes and with

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1. Manu. 3, 184-188
2. Ibid., 3, 218-216
3. Manu., 3, 282

fixed attention, smell those cakes, in the order in which they are placed on the ground. He should make the Brahmins to partake a very small portion from the cakes. If the father is alive, he must offer the cakes to three remoter ancestors. He may feed him as one of the Brahmins. He should pronounce his departed father's name before the name of living grand father. Having got the permission of his grandfather, he may perform it, as he wishes. The grandfather may eat at the Śrāddha as a guest. He should pour water along with Kuśa grass into the hands of the Brahmins and give to each that portion of the cake, saying to them 'Śvadhā'.[1] He should keep the Kusā grass in his hand up to the end of the ceremony.[2]

9. *The number of Brahmins to be fed* :

Brahmins were fed at the Śrāddha. Manu ordains that two or three Brahmins must be fed at the offerings to the gods or manes respectively. Or he may feed one only on either occasion but in no case a large company of the Brahmins.[3] Such a company destroys these five advantages viz. the respectful treatment of the invited, the propriety of place and time, purity, and selection of virtuous Brahmins.[4]

10. *Worthy Brahmins* :

Enquiry of the Brahmins : Manu enjoins upon the sacrificer to enquire about the ancestors and about the learning of Brahmins whom he wants to feed, for such Brahmins procure a great reward as guests.[5] A great reward accurse from feeding the worthy śrotriyas.[6] At the sacrifice sacred to gods one may not enquire regarding an invited Brahmin but he must make enquiries and carefully examine the qualities and parentage of the guests.[7] Manu gives a long list of persons who should be invited at the Śrāddha ceremony. The sacrificer attains more spiritual merit by feeding a single man, learned

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1. Manu. 3, 216-223
2. Ibid., 3, 279
3. Ibid., 3, 125; Yāj. I. 227-28
4. Ibid., 3, 126
5. Manu., 3, 130
6. Ibid., 3, 128-29; 131-32
7. Ibid., 3, 149

in the Veda than by feeding even a million of men, unacquainted with ṛcas.[1] He whose father knows the Vedas is more venerable than the one who himself knows the Vedas but whose father is ignorant. He should feed a Brahmin who is neither a foe nor a friend.[2] A present made in accordance with the rules to a learned man, makes the giver and the recipient partakers of rewards both in this life and after death.[3] He should take special pains to invite at a Śrāddha an adherent of Ṛgveda who has studied one entire recension of that Veda or follower of the Yajurveda, who has studied śākhā or a reciter or Sāmans who has completed the study of an entire recension. If one of these three dines, duly honourd, his ancestors as far as the seventh person, will be satisfied for a very long time.[4] Learned in all the Vedas descendents of Śrotriyas, possessers of sacred fires, versed in the six Aṅgas, the son of a woman married according to Brāhma form of marriage, singers of Gyeṣṭhsāman, knowers of the meaning of Veda, expounders of Veda, students, givers of thousand cows, centenarians—are the Brahmins who sanctify a company at the Śrāddha ceremony.[5] Manu considers the knowledge of the Vedas and Aṅgas as the most important quality of the Brahmins who are to be fed. He should also feed a daughter's son, though a student. He is described as one of the three means of sanctification to be used at a Śrāddha.[6] In normal conditions one should not entertain a personal friend, but in emergency, he may honour a virtuous friend than enemy, though the latter may be qualified. The sacrificial food eaten by a foe bears no rewards after death.[7] A sacrifice performed for the sake of friendship will be doomed.[8] Besides these persons, a meternal grandfather, a maternal uncle, a father-in-law, a sister's son, a son-in-law, a cognate kinsman, an officiating priest or a man for whom sacrifices are performed, may also be entertained on such occasions.[9] A Brahmin who has

1. Manu. 3, 131
2. Ibid., 3, 137-138
3. Ibid., 3, 143
4. Ibid., 3, 145-46
5. Ibid., 3, 184-85
6. Manu. 3, 234-235
7. Ibid., 3, 144, 158
8. Ibid., 3, 140-141
9. Ibid., 3, 148

been invited shall always control himself and not recite the Veda.[1] He should refrain himself from dalling with Śūdrā. He should not refuse the invitation after accepting it. If he does so, he will be guilty of a crime and in his next birth will be born as a hog.[2] He should not dine covering his head or turning his face towards the south or wearing sandals.[3]

11. *Persons to be avoided at Śrāddha* :

Manu has also provided a list of persons (Brahmins) who are unworthy to partake of oblations offered to the gods and manes. They are thieves, outcasts, eunuchs, atheists, students who wear their hair in braids, ignorant of Veda, shin-diseased, a gambler, a sacrificer who sacrifices for a multitude, a physician, a temple priest, a seller of meat, a shop-keeper, a paid servant of a village or of a king, a man with deformed nails or black teeth, a disobeyer of his teacher, a forsaker of the sacred fire, a usurer, a man suffering from consumption, a tender of cattle, a younger brother who marries or kindles the sacred fire before the elder, a neglecter of the five great sacrifices, an enemy of the Brahmins, an elder brother who marries or kindles the sacred fire after the younger, one who belongs to a company or corporation, an actor or singer, one who has discarded studentship, one who has Śūdrā as his first wife, the son of a remarried woman, a one eyed man, one in whose house a paramour of his wife lives, one who teaches after accepting a fee, one who instructs Śūdras, one whose teacher is a Śūdra, one who speaks rudely, the son of an adulteress, the son of a widow, one who forsakes his parents or a teacher with reason, one who has contracted an alliance with outcasts either through the Veda or through a marriage, an incendiary, a prisoner, an eater of the food given by a son of an adulteress, a seller of Soma, one who undertakes voyages by sea, a bard, an oil-man, a suborner to perjury, one who wrangles, or

1. Manu. 3, 188
2. Ibid., 3, 190-91
3. Manu. 3, 238

gces to law with his father, the keeper of a gambling-house, a drunkard, one who is accused of a mortal sin, a hypocrite, a seller of substances used for flavouring food, a maker of bows and arrows, one who lasciviously dallies with a brother's widow, the betrayer of a friend, one who learns the Veda from his son, an epileptic man, one who suffers from serofulous swellings of the glands, one afflicted with white leprosy, an informer, a mad man, a blind man, one who cavils at the Veda, trainers of elephants, oxen, horses or camels, an astrologer, a bird-fancier, one who teaches the use of arms, a diverter of water courses, one who delights in obstructing them, an architect, a messenger, one who subsists by gardening, a breeder of sporting dogs, a falconer, one who defiles maidens, one who injures living beings, one who lives on Śūdras, one who offers sacrifices to gaṇas, one who does not follow the rules of conduct, a man destitute for energy like a eunuch, one who constantly asks for favours, an agriculturist, a club-footed man, a man condmend by virtuous men, a shepherd, a keeper of buffaloes, the husband of a remarried woman, a carrier of dead bodies.[1] Such persons defile the company at a Śrāddha ceremony. A friend,[2] a man of reprehensible conduct and unworthy Brahmins are to be avoided at a funeral feast. The mere presence of such unworthy persons causes the giver of the feast the loss of reward of the funeral feast and lands him into hell.[3]

As many mouthfuls as an ignorant man swallows at a sacrifice to gods or to the manes, so many red hot spikes, and iron bails must the giver of the feast swallow after death.[4] The futility of giving of food to such a person is compared to sowing of seed in a barren soil by the husbandman.[5] But according to learned, the food given to unholy, in admissible men, is turned into a dipose, secritions, blood, flesh marrow and bone.[6]

1. Manu. 3, 150-167
2. Ibid., 3, 138
3. Ibid., 3, 167-181
4. Manu. 3, 133
5. Ibid., 3, 142
6. Ibid., 3, 182

12. *Food offered at Śrāddha* :

Various kinds of food and meat[1] were served at the funeral feasts. He should carefully, attentively and with purity place on the ground the seasoning for the rice, such as broths and potherbs, sweet and sour milk and honey. Besides hard food which requires mastication. soft food, roots, fruits, savoury meat and fragrant drinks should be served at a Śrāddha ceremony.[2] The meat of fish, dear, sheep, birds, goat, wild boar, wild buffallo, tortoise, rabbit, etc. was served at the Śrāddha. Its serving was not a taboo in that period.

13. *Manner of food serving and other rules* :

This food should be presented to the Brahmins successively inviting them to partake of each dish; proclaiming its qualities.[3] He should cause them to partake gradually and slowly of each dish and repeatedly invite them to eat by offering the food and praising its qualities.[4] He should carry the vessel filled with food with both hands and gently place it before the Brahmins. If it is brought with one hand only, the malevolent Asuras forcibly snatch away that food.[5] All the food must be very hot and the guests should not proclaim the qualities of the food even though asked by the giver of the feast. The manes eat such food for a long time.[6] He should serve them the food according to their likings. Vedic riddles, Veda, the institutes of sacred laws, Purāṇas, and khilas should be recited for that are agreeable to the manes.[7]

The food offered at such feasts should not be looked at by a cāṇḍāla, a village pig, a dog, a menstruating woman and a eunuch because that will not produce the intended result. A boar makes the rite useless by inhaling the smell, a cock by the air of his wings, a dog by throwing his eyes. A person with defective limbs should be removed from the place of feast.[8]

1. Manu. 3, 267-272
2. Ibid., 3, 226-27
3. Ibid., 3, 268-272
4. Ibid., 3, 233
5. Manu. 3. 224-25
6. Ibid., 3, 237-38
7. Ibid., 3, 231-32
8. Ibid., 3, 239-42

With the permission of the Brahmins he should show honour to a Brahmin or an ascetic according to his ability when any one of them comes at the feeding time. He should mix all the kinds of food together, sprinkle them with water and put them scattering them on the Kuśa grass down on the ground in front of his guests when they have eaten. The remanent in the dishes and the portion scattered on Kuśa grass, should be the share of deceased children who received not the sacrament and noble wives. The dutiful, honest servants should share the fragments of the food which have fallen on the ground.[1] He should offer water for sipping with the question 'Have you dined well' ? to the Brahmins and dismiss them after they have sipped it, with the words 'Rest either here or at home'. The Brahmins bless him with the words 'let there be Svadhā (the highest benison). With their permission, let him dispose the remaining food, as they may direct.[2] Having dismissed them, with a concentrated mind and looking towards south he should ask for the blessings of the manes with words 'May liberal, etc'. He should either throw those cakes into the water or cause a cow, a Brahmin, a goat or the sacred fire to consume them. Some make the offering of cakes after the dinner, some cause them to be eaten by birds or throw them into fire or water.[3] The faithful and first wife of the sacrificer may eat the middle-most cake if she be desirous of bearing a son.

Having washed his hands and sipped water let him prepare food for his paternal relations and after giving it to them with due respect, let him feed his maternal relatives. After the Brahmins have gone he should perform the daily domestic bali offering. (with the remaining food). The offering of water libation would give him the reward of the daily Śrāddha. It was believed that the fathers, grandfathers and great grandfathers represent the forms of Vasus, Rudras and Ādityas respectively.[4] Manu also traces the origin of various

1. Manu. 3, 243-46
2. Ibid., 3, 251-53
3. Manu. 3, 258-61
4. Ibid., 3, 262-65

classes of the manes from the sages, Marici, and Manu.[1] From manes sprang the Devas and Dānavas.[2]

The Brahmin who has eaten at a Śrāddha should refrain from entering on the same day the bed of Śūdra female for in that case his manes will lie during that month in her ordure.[3]

Thus a very detailed description of the Śrāddha rites has been provided by Manu. It would not have been easy for the sacrificer to find out such spotless Brahmins even in the times of the author. It is quite probable that in that case Brahmins with lesser merits might have been invited at the funeral feasts.

1. Manu. 3, 283-84
2. Ibid., 3, 194-201
3. Manu. 3, 250

12

Political Ideas and Institutions

The Manusmṛti affords us valuable information about the political conditions that prevailed in those times. The peple were properly looked after and protected by the state. Hence they lived peacefully in accordance with their faiths and customs.

The State and Kingship:

The term Rāṣṭra, denoting a kindgom, is frequently used in the Manusmṛti. Injudicious application of punishment by king afflicted the Rāṣṭra. The Rāṣṭra depended on the king.[1] For the prosperity of kingdom the king should use the four expedients. As the weeder plucks up the weeds and preserves the corns, even so the king should protect his kingdom and destroy his opponents. An oppresser of his will be deprived of his life and of kingdom. Only by protecting his dominions, the king increased his own happiness.[2] The conception of the state arose along with the evolution of kingship.[3]

The Constituents of the State:

Manu speaks of seven limbs of the state and these can be taken as the seven constituent parts of a kingdom viz., the king, minister, capital, realm, treasury and ally.[4] Giving the relative importance of every one of the seven parts, he says that among those seven constituents parts of the kingdom,

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1. Manu. 7, 29, 65; 10, 1
2, Ibid., 109-13
3. Basu (J); India of the Age of the Brāhmanas, p. 86
4. Manu. 9, 294

each earlier is more important and its destruction, the greater calamity.[1] There is no single part more important than the others, by reason of the importance of the qualities of each for the others. Saletore notices an apparent contradiction in the above two statements. But according to the same scholar this contradiction is removed,[2] when Manu lays down that for each part is particularly qualified for the accomplishment of certain objects (and thus) each is declared to be the most important for that particular purpose which is effected by its means.[3] A definite duty is fulfilled by each element of the state,

The description of Āryāvarta, which included within its limits the Brahmāvart and Madhyadeśa, as given by Manu, indicates that the work was composed when this vast tract of land was politically united.[4] Manu only speaks of the Rājatantra. He has also referred to Svarāṣṭra.[5] Pararāṣṭra,[6] Mitra rāṣṭra and Śatrurāṣṭra[7], Maṇḍalarāṣṭra—all these were connected with one and another by many types of friendly relations. Some of these were middle (kendrīya-Sthānīya), some neutrals and some desirous of victory.[8] From this it is quite evident that the Āryāvarta of Manu was divided into many kingdoms (Janapadas). The citizens of the kindgom were known as Rāṣṭrika and its king a Rājā. Both the king and the subjects lived amicably in a kingdom.[9] A Rāṣṭra consisted of many countries or Janapadas or Viśas.[10]

Scope of the functions of the state :

The first and foremost function of the state was to see that all the varṇas followed their respective duties. Any defaulter belonging to the Vaiśya or Śūdra varṇas should be compelled

1. Manu. 2, 295
2. Saletore (B.A.) : Ancient Indian Political thought and Institutions, pp. 294-95
3. Manu. 9, 296
4. Saran (P) : Prāchīna Bhārata Me Rājanītika Vichār evaṁ Saṁsthāye, 205-6
5. Manu. 7, 32,
6. Ibid., 7, 68
7. Ibid., 7, 32
8. Ibid., 7, 155
9. Ibid., 9, 22-26, 226
10. Ibid., 7, 134

by the state to perform his duties.[1] The state should make the citizens to follow the ordinary laws. Even the king is not spared by Manu from the reach of law. Where a common man would be fined one Kārṣapaṇa, the king shall be fined one thousand paṇas.[2] The state was also responsible for internal peace. It freed the subject from external pressures.[3] It enacted laws for the containing of the prices of the commodities. The prices of the commodities were fixed by the state so that business men do not charge exorbitant prices.[4] It also made arrangements to settle disputes among groups, families and guilds pertaining property, boundaries, deposits, debts, contracts etc.[5] To stop group-fights, the state maintained police. The state promoted the cause of education by giving gifts to the educational institutions, by honouring teachers and by providing opportunities and facilities for the educated youngman.[6] The State had the right to levi taxes on its citizens but the (taxes) were reasonable.[7] It was again an important duty of the state to punish those who perpetrated various types of crimes.[8] Thus the scope of the function of the state was very wide, Motwani having analysed the functions of the state observes. "Some of the legislation by Manu would seem almost socialistic to a student of modern political science."[9] But there is some truth in this observation, because the legislation of Manu do have freshness and cogency of the modern laws and ordinances. In this way an ideal state is envisaged by the author of the Manusmṛti.

The king :

The Government of the country and the general administration was in the hands of the king who belonged to the Kṣatriya varṇa. The kingship was hereditary; there was an absolute king of the Kṣatriya class who reigned of divine

1. Manu. 8, 417; 7, 35
2. Ibid., 8, 336
3. Ibid., 7, 110; 114; 144
4. Ibid., 8, 401
5. Ibid., 8, 47-50; 139-143, 151-155, 158-167
6. Ibid., 7, 38-39; 79, 82-86; 134, 136; 8, 395; 9, 313
7. Ibid., 7, 127-133; 137-140
8. Ibid., 8, 129-30; 310
9. Motwani Kewal : Manu Dharmaśāstra, p. 150

right.[1] Even an infant, king must rot be despised thinking that he is mortal for he is a great divinity in human form.[2] According to Manu, the creation of a king, by the lord, took place in order to ward off the fear, generated by anarchy, among the people.[3] The king was formed, by the lord, out of the eternal particles drawn from eight guardian deities named Indra, Vāyu, Yama, Sūrya, Agni, Varuṇa, Candra and Kubera[4] and therefore pure and surpassing all mortals in glory. The king is not an incarnation of god but his divinity springs from the synthesis of the elements of the chief gods. Thus Manu envisaged a divine origin for a king. He does not even refer to any alternative theory of the origin of kingship. Prof. Verma remarks, "We think that Manu has in mind the creation of the human king by God out of the eternal particles of eight gods. He does not solve the logical difficulty involved in the notion of particles. If the particles of the gods are non-physical, a physical human being could not be created out of them. If the particles of the gods are physical. they cease to be gods and become very much human."[5] Both Medhātithi and Kullūka do not take a serious view of Manu and dismissed it by saying that it is mere eulogy.[6]

The king was highly respected by his subject because he stood on the same place as father and son.[7] He was honoured with the honey-mixture. It is laid down that a king and a Śrotriya who come on the performance of a sacrifice, must be honoured with the honey mixture.[8] He was given precedence on the road like a man in a carriage, an old man, a woman, a snātaka etc.[9] One should not intentionally step on the shadow of a king, otherwise he will incur sin.[10] It was believed that the taints of impurity does not fall on kings. No impurity is ordained for him who is pervaded by the eight guardian

1. Manu. 7, 2-3
2. Ibid., 7-8
3. Ibid., 7, 3
4. Ibid., 5, 96; 7, 4-7
5. Verma (V.P.): Studies in Hindu Political Thought and Its Metaphysical Foundations, p. 240
6. Medhātithi and Kullūka on Manu. 7, 3-4
7. Manu. 7, 80
8. Ibid., 3, 119-20
9. Ibid., 2, 138-39
10. Ibid., 4, 130

deities.[1] Like the sun he burns the eyes and minds of those who gaze at him. He is equated with Fire, Wind, Sun, Moon, Yama, Kubera, Varuṇa and Indra. Fire burns only the guilt but the king's wrath burns the entire family along with cattle and prosperity. Manu declares that the goddess of fortune dwells in the king's favour, victory resides in his valour, and death abides in his anger. The king makes up his mind to destroy one who goes against him and hence the law which the king decrees with regard to his favourites or which inflicts pain on his enemies, should never be transgressed.[2] At the death of the king, the people who resided in his realm were overpowered by impurity. But this period of impurity lasts as long as the light of the sun or stars shines.[3] Manu is not in favour of acceptance of presents by a snātaka from a king who is not descended from the Kṣatriya race.

A king is declared to be equal in wickedness to a butcher so to accept presents from him is a terrible crime. He who accepts presents from an avaricious king will go in succession to twentyone hells.[4] Similarly his food should not be accepted because it impairs his vigour.[5] But on the whole he enjoyed a respectable position in the society.

King's qualifications :

The king should belong to the Kṣatriya caste.[6] But the existence of kingdoms ruled by Śūdra, indicates that the member of other varṇas could also become kings.[7] Both Medhātithi and Kullūka apply the title rājan not only to a ruler of Kṣatriya caste, but to one possessed of the attributes of consecration sovereignty and so forth.[8] They further add that it stands for a territorial lord and this explanation is based on the use of a generic term nṛpa by Manu. Though a Kṣatriya alone is eligible for kingship but in his absence a substitute may be accepted otherwise the people would perish for want of a protector.

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1. Manu. 7, 5, 93, 96-97
2. Ibid., 7, 5-9; 9, 303-311
3. Ibid., 7, 12-13
4. Ibid., 5, 82-90
5. Manu. 4, 218
6. Ibid., 7.2
7. Ibid., 4, 61
8. Medhātithi and Kullūka on 7.1

He should be pure, faithful to his promise, and wise.[1] He should be one who behaves without duplicity towards his friends and who is lenient towards Brahmins.[2] He should be modest and ever ready to learn modesty from learned men. A king who is modest never perishes. Even the hermits gained kingdoms through modesty. Manu reminds us of the kings like Nahuṣa, Sūdāsā, the son of Pigavana, Sumukha and Nemi who perished through want of humility. By modesty Pṛthu and Manu gained sovereignty; Kubera the position of the lord of wealth and son of Gādhī the rank of a Brahmin. He should study the Vedas, the primeval science of government, the science of dialectics, the knowledge of supreme soul, the trades and professions from learned men.[3] He should guard his body by what ever means possible.[4] He should be of good health and sound physique.[5]

He should carefully shun ten vices, springing from love of pleasure and the eight proceeding from wrath which all end in misery.[6] Hunting, gambling, sleeping by day, censoriousness, excess with women, drunkeness, dancing, singing and music and useless travel are the ten-fold set of vices springing from love of pleasure.[7] Tale-bearing, violence, treachery, envy, slandering, seizure of property, reviling and assault—are the eight fold set of vices produced by wrath. The greediness is described as the root cause of both these sets. Therefore, he should carefully conquer it. A king who is attached to these vices, will lose wealth, virtue and even his life.

To keep his subjects in obedience, he should conquer his senses. A self controlled king should know that in this set of seven viz. drinking, gambling, love for women, hunting, doing bodily injury, reviling and the seizure of property, each earlier named vice is more abominable than those named later.[8]

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1. Manu. 7, 2
2. Ibid., 7, 31-32
3. Ibid., 7, 39-43
4. Manu. 7, 212
5. Ibid., 7, 226
6. Ibid., 7, 45; Dutt (R.C.): A History of civilization in ancient India: p. 100. The author says, ' Drinking, dice, woman, and hunting were the most pernicious faults of kings."
7. Mauu. 7, 44-49
8. Ibid., 7, 52

King's residence :

The stability of the royal authority does not appear to have been great, not withstanding the divinity of the king's person for Manu enjoins extra-ordinary precaution for the purpose of both of ensuring the security of the king's residence,[1] and of guarding him from possible voilence or treachery on the part of the immediate attendants.[2] He should settle in country which is open and has dry climate where grain is abundant, which is chiefly inhabited by Aryans, not subject to epidemic diseases and pleasant, where vassals are obedient and his own people find their livelihood.[3] He should build a town making for his safety a fortress, protected by a desert or a fortress built of stone and earth, or one protected by water or trees, or one formed by an encampment of armed men or a hill-fort. Hill-fort is declared as more superior than others due to distinguished qualities. A king who has taken refuse in his fort, cannot be injured by foes. One archer placed on a rampart, is a match in battle for one hundred foes, one thousand for ten thousand. So it is advantageous for the king to remain in fortress. It should contain weapons, money, grains, beasts of burden, Brahmins, artisans, fodder and water. All these things will stand him in good stead in hour of attack by the enemy. As regards the residence of the king, the Manusmṛti lays down that the king should cause to be built for himself, in the centre of it (fort) a spacious palace well protected, habitable in every season, resplendent, supplied with water and trees. Thus he lived in a palace and had all luxuries at his command.

King's consort :

The king should marry a consort of equal caste (savarṇa). She should be endowed with, auspicious marks on her body, charm and beauty and excellent qualities in addition to her birth in a high family.[4] He could have more than one wife.[5]

1. Manu. 7, 69
2. Ibid., 7, 217-223
3. Ibid., 7, 69
4. Manu. 7, 70-77; Dutt (R.C.) op. cit., p. 103
5. Ibid., 7, 221

Duties and functions of the king :

According to Saletore the duties and functions of a king as described in the Manusmṛti can be analysed under the following eight heads : Executive, Judicial, Legislative, Administrative, Ecclesiastical, Revenue, Military and Enlightened.[1]

Executive duties :

The king had to perform certain executive duties. He had two constituents namely protection and punishment, The king was created to be the protector of the castes and orders along with minors and women.[2] He behaved like father towards all men.[3] He should zealously and carefully protect his subjects after having arranged all the affairs of the government.[4] It is declared that by taking his due, by preventing the confusion of the varṇas and by protecting the weak, the power of the king grows.[5] The king should exert himself to the utmost to punish thieves because by this act his fame grows and his kingdom prospers. The protection of the subjects was considered as sacrificial fee in the sacrifice in the form of state administration. For protecting them, a king received the sixth part of their spiritual merit, if he does not protect them the sixth portion of their demerits also would fall on him.[6] He who guards his subjects his kingdom will flourish like a well watered tree.[7] Protection of the people is enumerated as the most commendable act among the several occupations of a Kṣatriya.[8] He should punish the wicked.[9] If the king did not without tiring inflict punishment on those worthy to be punished, the strong would roast the weaker, like fish on a spike.[10] A father, a teacher, a friend, a mother, a wife, a son, a domestic priest must not be left unpunished, if they do not keep within their limits.[11] The duty of protection involved

1. Saletore (B.A.): op. cit., 306
2. Manu. 7, 35-36; Dutt (R.C.), op. cit., p. 100
3. Ibid., 7, 80
4. Ibid., 7, 142
5. Ibid., 7, 182
6. Ibid., 302-309
7. Manu. 9, 253-255
8. Ibid., 10, 80
9. Ibid., 7, 14-34
10. Ibid., 7, 20-34; 8, 302-303, 310-11
11. Ibid., 8, 335, 343-45; 9, 252, 293, 312

three ideas, prevention of the confusion of castes, and protecting the weak against the strong, and attainment of spiritual merit.[1]

Administrative duties :

The administrative duties of the king belonged to two categories viz., appointments and administrative problems.[2] For the proper execution of his policies and plans, the king appointed ministers and officials. Manu did not leave anything to chance in the matter of administrative efficiency. For the governmental departments, the king was to appoint intelligent supervisors who were to inspect all the acts of those men who transacted state business.[3] As regards administrative problems, the king settled question of property, treasure-troves and weights and measures. Many rules have been laid down regarding deposits. According to them, after three years the king could take the unclaimed deposit.[4]

Revenue-duties :

This duty of the king consists of fixation of the rates of taxes and duties. These are to be fixed by him after due consideration so that the common man may not feel the pinch of these taxes).[5] The king was to levy moderate taxes like the bee, the calf and the leech taking their food little by little.[6] He should cause the annual revenue in his kingdom to be collected by trustworthy officials.[7] Blindmen, idiots, lames, old men, lames, and śrotriyas, were exempted from taxes.[8] Without the collection of the revenue the king cannot give all the facilities and comforts to his subjects. These taxes can be taken as the back-bone of the state-economy. So the king should be extra careful in this matter and punish corrupt officials.

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1. Saletore (B.A.) op. cit., p. 307
2. Ibid., p. 308
3. Manu. 78, 82
4. See legal ideas and instituted
5. See section on State Economy
6. Manu. 7, 128-29
7. Ibid., 7, 80
8. Ibid., 7, 37-38; 143

Enlightened Duties :

Another duty of the king was to honour, support and make gifts to learned Brahmins. He should daily worship aged Brahmins who know the Veda and are pure. He should follow their advice.[1] He should give to Brahmins enjoyments and wealth in order to get merit. He should honour those Brahmins, who have returned from their teacher's house ; for that money which is given to them is declared to be an unimperishable treasure for kings. A gift to one who is not a Brahmin yields the ordinary reward; a gift to one who calls himself a Brahmin, a double reward; a gift to a wellread Brahmin, a hundred-thousand-fold reward.[2] The king should always treat kindly a Śrotriya, a sick or distressed man, an infant and an aged or an indignant man, a man of high birth and honourable man.[3] He should not provoke Brahmin to anger even if in great distress for that will ruin him.[4] A king must protect a Brahmin after alloting a maintenance to support himself.[5]

Legislative Duties:

In the age of Manu there was no question of taking into account the king's śāsana or written law. The eighteen tittles mentioned in the work, were already laid down according to the principles drawn from local usage and from the Dharmaśāstras. In doubtful cases the opinion of the śiṣṭas was to have the force of the law. These Brahmins were not ordinary ones, who had not fulfilled their sacred duties, who were unacquainted with the Vedas and who subsisted only by the name of their caste. They were śiṣṭas who in accordance with the sacred law, had studied the Veda, together with its appendages and who were able to adduce proof perceptible by the senses from the revealed texts. Either a maximum number of ten or a minimum number of

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1. Manu. 7, 79; 11, 4, 21-23
2. Ibid., 7, 82-86
3. Ibid., 8, 395
4. Manu. 9, 313-23
5. Ibid., 11, 23

three, of such persons constituted an assembly, and their decision was to have the force of law which no one could dispute. The composition of a judicial board was as follows: three persons each of whom knew one of the three principal Vedas, a logician, a mīmāṁsaka, an expert in Nirukta, one who recited the institutes of the sacred law and three men who belonged to the first three orders.[1] This all shows that the king did not make laws of his own accord but only promulgated the already prevalent law interpreted by the learned persons for him.

Ecclesiastical Duties:

It was also the duty of the king to perform sacrifice for his own welfare and for the well-being of his subjects. The duties of the king were abnormally heavy and so he did not find time to perform sacrifices. A domestic priest (Purohita) used to perform different sacrifices with the help of other officiating priests (ṛtvijs) on behalf of the king. A king used to offer various sacrifices at which liberal fees were distributed. In order to attain merit, he should give to Brahmins enjoyments and wealth.[2] The king was to offer oblations to the fire before entering the hall of of audience.[3]

Judicial Duties :

The king was the supreme judge. He was to enter the court preserving a dignified demeanour together with the Brahmins learned in the Vedas and experienced councillors. There either seated or standing, raising his right arm, without obstentation in his dress and ornaments, let him examine the business of the suitors.[4] He should begin the trial of causes with a collected mind.[5] The decisions were to be just since justice when violated was destroyed, but when preserved, preserves.[6] If in his absence, the judge settled a case wrongly,

1. Saletore, op. cit., p. 308
2. Manu, 7. 78, 99
3. Ibid., 7, 145
4. Manu. 8, 1-2
5. Ibid., 8, 23
6. Ibid., 8, 15

the king should reverse the judgement and should punish him.[1] The king was infact the upholder of the causes of justice.[2]

Military Duties :

The king was the supreme commander of the forces. He led the forces in the field. The decisions regarding military expeditions were taken solely by the king.[3] The ambassadors and spies were appointed by the king.[4] His enemy must not know his weaknesses but he must know the weaknesses of his enemy. He should subdue his enemies by applying the four expedients, conciliation and the rest.[5] He should be ever ready to strike, his prowess constantly displayed and his secrets constantly concealed and he should constantly explore the weakness of his foes. What he has not yet gained let him seek to gain by his army; what he has gained, let him protect by careful attention; what he has protected let him augument by various modes of increasing it; and what he has agumented, let him liberally bestow on worthymen.[6] Remembering the duty of Kṣatriyas a king must not shrink from battle whether his foes were equal in strength or stronger or weaker. The best means of securing happiness for the king was not to turn his back in battle while protecting the Brahmins. It was his duty to see that asylum was granted to all who surrendered to him. He statisfied his soliders by distributing the booty so that they may remain loyal.[7] After taking his lunch and having rested for a while he used to inspect his fighting men, all his chariots and beasts of burden, the weapons and accoutrements.[8] He should be full of confidence. He should be quick in taking decisions. He should be a person who could translate his ideas into actions.[9] He should not be an oppressor of his people.[10] He should be brave. Those kings who seeking to slay each other in battle, fight with the utmost exertion and do not turn

1. Manu. 9, 234
2. See legal Ideas and Institutions.
3. Manu. 7, 178-79
4. See Inter-state-Relations
5. Manu. 7, 105-7
6. Manu. 7, 101-102
7. Ibid., 7, 87-97
8. Ibid., 7, 221-22
9. Ibid., 7, 59, 179
10. Ibid., 7, 112

back go to heaven.[1] He should ever act without guile and on no account treacherously. Carefully guarding himself, let him alway fathom the treachery which his foes employ. He should be able to conceal his weaknesses.[2] He should be well acquainted with the four expedients.[3] He should be a good adminisitrator.[4] A king who is both sharp and gentle is highly respected.[5] He should also be far-sighted.[6]

Daily Routine and Recreations :

Manu gives a detailed and interesting account of the daily routine of the royal business and private life of the kings. The king rose in the last watch of the night and after offering oblations, and paying due respect to the priests, entered his audience hall decently splendid.[7] There he gave audience to people for their gratification and then retired with his ministers to some private place in order to consult with them unobserved. Special care was taken to ensure that no one should be within hearing who has been considered apt to betray secret counsel. Having thus consulted with his ministers upon all the public matters demanding the attention. He next took his exercise, and then after bathing, entered at noon his private apartment for the purpose of taking food. His food should be mixed with medicines that are antidotes against poison. When he has dined, he diverted himself with his wives in the harem. Ador ned, let him again inspect his troops. At sunset he performed some religious duties, after which he received in a private inner apartment informers and emissaries employed by him to collect intelligence secretly. And this business being despatched, he went attended by women to the harem for dinner. Having eaten there a little, second time and having been recreated with musical strains, he went to rest early in order that he might rise refreshed from his labour.[8] Though drinking, dice, women, hunting,

1. Manu. 7, 89
2. Ibid., 7, 104-105
3. Ibid., 7, 100
4. Ibid., 7, 113
5. Ibid., 7, 14
6. Manu. 7, 169
7. Manu. 7, 145: Dutt (R.C.) op. cit., p. 100-101
8. Ibid., 7, 145-161, 216-226

dancing and singing have been enumerated among the vices yet they might have been resorted to by a king for the sake of entertainment and recreation.[1] The presence of the chariots and horses indicate that the king might have indulged in chariot races and horse races for the sake of recreation.

Daṇḍa (Coercive power) :

It was created by the lord for the sake of the king. Only through fear of daṇḍa all created beings, both immovable and moveable subserve to experience and do not swerve from their duties.[2] It regulates the behaviour of all beings. Manu's identification of dharma and daṇḍa has been explained by Kullūka as imposition of effect in the cause the latter being the foundation of the former.[3] According to Medhātithi daṇḍa is of two types: that which inspires fear and that which brings pain. He also refers to other two kinds of daṇḍa that inflicted by the king and that by the god of justice Yama.[4] But daṇḍa should be applied after full consideration of time and place, the strengh and knowledge of the offenders.[5] Indiscreet application of daṇḍa would lead to confusion of castes and all barrier be broken through and there would be disruption in all the regions. A king who properly inflicts (punishment) prosper with respect to virtue, pleasure and wealth; but he who is voluptuous, partial and deceitful will be destroyed through the unjust punishment which he inflicts. The unjust punishment also will afflict his castles, territories, the moveable and immoveable creations.

Check on king :

To check the absolute authority of the king, Manu has laid down certain rules. He says that the king who meats out punishment improperly is destroyed.[6] But question arises how he will be destroyed ? The answer is given by Medhātithi who says that the king is destroyed either through evil passions roused among the people or through some imperceptible effect.[7] A further check is exercised by the purohita and

1. Manu. 7, 47
2. Ibid., 7, 14-15
3. Ibid., Kullūka on Manu. 7, 18
4. Medhātithi on Manu. 7, 18, 25
5. Manu. 7, 16
6. Ibid., 7, 24-29
7. Medhātithi on 7, 27

learned Brahmins when he fails to carry his duties They had the power to control him.[1] Drekmeier remarks : "The essential weakness in the Hindu theory of state is its failure to provide any searching analysis of the relation between government and the governed."[2] Manu declares that the king, who rashly oppresses the kingdom shall together with his relatives, ere long be deprived of his life and kingdom. Medhātithi and Kullūka explain that the king who has lost the affection of the people is killed by some persons who do not care for their lives.[3] But how can people dare to turn against the powerful king having a trained force to support him ? Hence Altekār observes, "Manu's statement is a merely idealistic one and hardly provides any real and practicable constitutional check."[4]

Administration :

The king was the administrative head of the state. In order to give an efficient administration, the king appointed several officials. So far as liberating on the most important affairs was concerned the king was to entrust the work to the most distinguished of the minister who was no other than his priest. The final responsibility of taking a decision rested with the king alone.[5] The king was, of course assisted in his work of administration by his purohita, ministers, revenue collectors, ambassadors, spies, commander-in-chief and so on.

Domestic Priest (Purohita) ·

Every king had a domestic priest who assisted and advised him on spiritual and temporal matters. According to Manu a king should appoint a domestic priest and choose officiating priests (Ṛtvij). They shall perform his domestic rites and

1. Manu. 7. 28
2. Drekmeier (Charles): Kingship and community in early India, p. 228
3. Medhātithi and Kullūka on Manu- 7, 111
4. Altekar (A.S.), State and Government in Ancient India, p. 63
5. Saletore (B.A.), op. cit., p. 168

sacrifices; for which fires are required, under the supervision and guidance of the domestic priest. A king should offer various sacrifices at which liberal fees be given to Brahmin in order to secure merit.[1] The Śrauta works prescribe the performance of Śrauta sacrifice named Bṛhaspati-sava for a Brahmin for the attainment of the highly prized post of a royal Purohita.[2]

Ministers :

The minister was the second important element of the state.[3] The words like mantri amãtya and saciva occur frequently in the Manusmṛti. In the post-Mauryan times amãtyas were known as sacivas.[4] The well-known inscription of Rudra Daman use the terms Mati-saciva and Karmasaciva.[4] Thus amãtyas formed a general cadre of officers from amongst whom high functionaries were recruited.[5] Manu uses the term Saciva[6] for minister and the term Amãtya[7] for other state officials. According to Manu even an undertaking easy (in itself) is (sometimes) hard to be accomplished by a single man, how much (harder is it for a king) especially (if he has) no assistant to govern a kingdom which yields great revenue ![8] Hence he should employ minister to help him in state affairs. The number of the ministers to be appointed by a king was seven or eight. Manu adds that with the most distinguished among them a learned Brahmin, let the king impart his momentous counsel relating to six principal articles of royal policy. The king should have full confidence in him and always entrust to him all business. He should act after having taken his final resolution.[9] This Brahmin can be taken as the Prime Minister. Manu lays down that the king should entrust his Prime-minister with the work of inspection when he is tired.

1. Manu. 7, 78-79
2. Kāt. Ś.S. 22, 5, 11
3. Manu. 9, 294
4. Selected Inscriptions, II. No. 67, I. 17
5. Sharma (R.S.) : Political Ideas & Institutions in A India
6. Manu. 7, 54
7. Ibid., 7, 60
8. Ibid., 7, 55
9. Ibid., 7, 58-59

As regards the qualifications of the Prime-minister must be acquainted with the law, wise, self controlled and descended from a noble family.[1]

The qualifications of the Amātyas (state officials) as laid down by Manu were the following : they should be men of integrity, wise, firm, well versed in sciences, brave, skilled in the use of weapons, belonging to noble families, able to collect money and well tried. A king should appoint as many amātyas required for the accomplishment of his work. These officials must be skilful and clear, free from sloth. Among them let him employ the brave, the skilful; the high born and the honest in offices for the collection of revenue, in mines, manufactures, and store houses but timid in the interior of his palace.[2]

Manu had laid down, a general principal that the ministers were to be jointly and severally consulted by the king: let him daily consider with them the ordinary business refering to peace and war, the four subjects called sthāna, the revenue, the manner of protecting himself and his kingdom and the sanctification of his gains by pious gifts. First he should take the opinion of each minister separately and then the views of all together. After these consultations with his ministers, he should do what is most beneficial for him in his affair.[3] Thus the final voice, in all the matters rested with the king. The places for such consultations are also given in the Manusmṛti. He should consult with his minister unobserved, acending the back of a hill or a terrace, retiring in a lonely place, or in a solitary forest.[4] Such places were resorted to in order to keep the deliberations of the king and his minister's secret. There is every possibility of these deliberations being heard in the palace by the other officials, servants and so on.

Manu is silent on the question of the salary which was given to the ministers and officials.

The ministers were also associated with judiciary. It is clear from this statement of Manu which says that whatever

1. Manu. 7, 141
2. Ibid., 7, 60-62
3. Manu. 7, 56.57
4. Ibid., 7, 146-47

matter his ministers or the judge may settle improperly that the king himself shall resettle and fine them each one thousand paṇas.[1] In this way the minister also settled law suits and sometimes were punished for their negligence. If the royal officials took money from suitors, their whole property was to be confiscated and then they were banished.[2] Those who were entrusted with the safe custody of lost property, if found guilty of stealing it, were caused to be slain by an elephant.[3] Corruption in any form was not tolerated by Manu.

Other officials :

Trustworthy officials were appointed by the king to collect the annual revenue in his kingdom. Besides, let him appoint intelligent supervisors for various branches of business.[4] They should inspect all the acts of those men who transact his business. Women and menial servants were also pressed in the royal service. They were given a fixed daily maintenance allowance, in proportion to their position and to their work, one paṇa must be given (daily) as wages to the lowest, six to the highest, likewise clothing every six months and one droṇa of grain every month.[5] Well tried females whose toilet and ornaments have been examined served attentively the king with fans, water and perfumes. When the king was indisposed, he entrusted all this business to his servants.[6]

Provincial-Administration :

A clearest exposition of the theory of co-ordinated administration in which the lowest unit of administration is connected with the highest in such a manner that every unit, while working within its sphere, is connected with every other unit and the whole chain of units connected with the highest executive viz., the king through the superintendent,[7] for the protection of the kingdom, the king should place a company

1. Manu. 7, 234
2. Ibid., 7, 123-24, 9, 231
3. Ibid., 8, 34
4. Ibid., 7, 80-81
5. Manu. 7, 127-26
6. Ibid., 7, 219, 224-25
7. Saletore (B.A.) op. cit., p. 351

of soldiers commanded by a trusted officer; in the midst of two, three, five or hundred of villages. A lord was to be appointed over each village, other lords over groups of ten, twenty, a hundred and a thousand villages. All police, judicial and revenue collecting duties rested with the lords (of these villages). They were all placed under the jurisdiction of a minister (for local government) who was to inspect their work. Another minister of the king should inspect the work of lords and officials connected with villages and their separate business. In each town the king was to appoint one superintendent of all affairs, elevated in rank, formidable resembling a planet among stars. That minister always personally visit by turns all those other officials and to properly explore their behaviour in their districts through spies appointed to each.[1] He should confiscate the property of those knaves who accept money from suitors and take the property of others.[2] In this way the king could check the greed of the officials.

Officers were also appointed from among the members of corporations (saṁghas) to settle caste affairs and affairs of saṁghas in accordance with their own constitutions. The residurary responsibility in all matters on the lowest unit. It is a kind of federal arrangement, reducing centeralization to a minimum. Except where the king or the state is compelled to intervene in the exercise of duties of regulation, standardization, policing, defence or maintenance of Dharma of varṇa and āśrama, the local authorities were free from central interference or control. This again was a check on absolutism.[3]

State Economy :

State ownership of land and right cf taxation :

Individual ownership and enjoyment of land, is hinted by the Manusmṛti which says that the field belongs to him who first removed the weed and deer belongs to him who first

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1. Manu. 7, 113-23; Altekar (A.S.), State' op. cit.
2. Ibid., 7, 124-25
3. Aiyangar (K.V.R.) op. cit., p. 195-96

wounded it.[1] It refers to a stage when the pressure of population on land was not so much as to cause its scarcity. But in those parts of the country, however, where conditions were slightly advanced and demand for land had increased, Manu's analogy of deer and land lost its validity. First occupation was no longer considered a criterion of valid possession.[2] The private ownership of land is further indicated by Manu when he refers to seven legitimate modes of acquiring wealth viz., inheritance, finding or friendly donation, purchase, conquest lending at interest, performance of work and acceptance of gift from the virtuousmen.[3] With the enormous increase of royal authority, the full-fledged private ownership vanished. The divinisation of kingship put a check on the private ownership of land.[4] Manu states that the king is vested with the respective attributes of eight gods. Even if a child the king should not be disregarded for he functions as a great divinity in the form of a human being.[5] This may mean that an individual proprietor exercised only a qualified ownership over his land, the king being its ultimate lord, in which capacity presumably he levied taxes from the people.[6]

Taxes were regarded as king's wages for the service of protection. Manu says that the king who even after taking various kinds of royal taxes from his subjects does not protect them soon goes to hell.[7] Protection of the people is declared by Manu as the foremost duty of a king.[1] The claim of the king to one-half of the treasure and the out-put of mines should be viewed in the light of above statements of Manu. It is required of king to make good the equivalent of the stolen property that he has failed to recover. But the view that king is the servant of the people who pay him wages in form of taxes is contradicted by Manu himself when he says that the king is entitled to his share of treasure and minerals because he is the

1. Manu. 9, 44
2. Jha (D.N.) Revenue system in Post-Maurya and Gupta times p. 12-13
3. Manu. 10, 115
4. Jha (D.N.) op. cit., p. 16
5. Manu. 7, 7-8
6. Jha (D.N.) op. cit., p. 17
7. Manu. 8, 307
8. Ibid. 7.2, 35

lord of all.[1] It sounds unrealistic to think that the king, who was the supreme lord of the land, received taxes from his people as wages. Nor does the notion of taxes as wages in return of protection, seems to have been applicable to the actual working of the revenue system, for history does not provide a single instance of a king who did not claim taxes from his subjects, if he failed to protect and govern them successfully. Hence king cannot be the owner of land on the basis of royal taxation.[2]

Principles of taxation :

The taxes were not levied arbitrarily but certain principles of taxation were followed by a king in this matter. According to Manu taxes should be realised in accordance with the śāstras.[3] Taxes depended on the consideration of the needs of the state and the ability of the people to pay taxes. Manu indicates the taxes should always be fixed in such a way that the king himself and the producer may participate in the result.[4] He adds that the king by destroying his own substances causes suffering to himself as well as to others.[5] Even if a king is in financial difficulties, he should not take what ought not to be taken, nor even though he is affluent should relinquish his just dues, be they ever so small.[6] Thus the revenue of the state ultimately depend upon the production of wealth by individual and that whatever tends to diminish the later is bound to react upon the former.[7] The taxation should never touch what is necessary for the existence of the contributors.[8]

Manu advocating the principle of moderation states that just as the leech, the calf and the bee take their food little by little, so should the king take moderate annual taxes.[9] Financial oppression in any form was resented by the law-giver.

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1. Manu. 8, 39-40
2. Jha (D.N.) op. cit., p. 19-21
3. Manu. 7, 80
4. Ibid., 7, 127
5. Ibid., 7, 139
6. Manu. 8. 171-72
7. Jha (D.N.) op. cit., p. 23
8. Bastable, Public Finance, p. 416
9. Manu. 7, 129

Manu holds that among all modes of purification, purity in the acquisition is the best. The king, who arrogantly oppresses his subjects, is soon deprived of his kingdom and life. He adds that as the lives of living beings perish by oppressing their kingdom.[1] If the rules were to be followed word by word then they could lead to highly burdensome tax measures. Manu declares that the king who takes taxes, returns that wealth in the form of benefits to his subjects like the sun who after taking the water returns it in the form of rains.[2] This may imply that the king is entitled to take as much from his people as he likes because he is capable of giving proportionate dividends in return.[3]

Sources of revenue :

Land-revenue :

Land tax was in confirmity with the varying fertility of the soil but most of the authorities mention the rate of one-sixth. Manu advocates three different rates viz. one-sixth, one-eighth and one-twelveth of the crops.[4] He also says that the king who affords no protection and yet receives the sixth part of the produce takes upon himself all the sins of his people.[5] According to Kullūka, the king's share is to be estimated on the increase upon the capital employed. Medhātithi and Govinda are concurrent and Nandana even more explicitly lays down that in every case, the share is on profit made after deducting expenses.[6] But as the commentators belong to a later period their interpretation of the verse may not apply to the period under review.

The main item of land revenue appears to have been the

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1. Manu. 7, 106, 111-12
2. Ibid., 9, 304-305
3. Jha (D.N.) op. cit., 30
4. Manu. 7, 130; see also Buch (M.A,) Economic life in ancient India, Allahabad, 1979, pt. II. pp. 312-15
5. Manu. 8, 308, cf. Viṣṇu, 3, 24, and Nārada, 18.48, Rāgh, II. 26
6. Kullūka, Medhātithi, Nandana on Manu. 8, 308

customary royal share of the agricultural produce sometimes known as bhāga. Bhāga seems to have been the principal land tax in post-Mauryan and Gupta times. In connection with land tax, Manu mentions bali and not bhāga.[1] It appears that bali of the Dharma-śāstras and general literature is indentical with the bhāga of the inscriptions.[2] Kara is another form of revenue referred to in the Manusmṛti.[3] According to Medhātithi Kara means gifts of commodities (dravyādānaṁ). Sarvajñanārāyaṇa interprets Kara as a fixed gold payment on land (bhuminiyatam deyaṁ hiraṇyaṁ), Ramacandra interprets the term as contribution in the form of grass, wood etc. and Kullūka takes it to denote contribution from villagers and towns-men either monthly or in Bhādrapad and Pauṣa. According to Rāghavānanda, however, Kara, is a monthly payment by villagers. It seems to have been some kind of land revenue, but its exact nature cannot be determined.

In the post-Mauryan period hiraṇya difinitely figures as an item of kings regular revenue. Manu prescribes its rate at a fiftieth part of the cattle and gold.[4] According to Ghoshal hiraṇya may be said to have belonged to the groups of taxes relating to the simple agricultural and industrial products of a village.[5] The notion of Ghoshal is supported by Manu by saying that the lord of one village should obtain food, drink and fuel which the villagers ought to furnish daily to the king for their protection.[6]

Irrigation-tax was not levied. Manu is against the seizure of houses, tanks, orchards and fields by others. It means that tanks etc. were owned and constructed by individuals for irrigational purposes.[7] He ordains that amongst other things selling one's own tank, garden, wife or child, is a sin to be expiated by penance.[8]

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1. Manu. 7, 130; Rudradāmana's Jūnāgaḍh inscription states that his treasury was filled with bali, śulk and bhāga.
2. Jha (D.N.) op. cit., p. 46
3. Manu. 8, 307
4. Medhātithi, Sarvajñanārāyaṇa Rāmacandra, Kullūka and Rāghavānanda on Manu. 8, 307
5. Ghoshal (U.N.) History of Revenue System, p. 61
6. Manu. 7, 118
7. Ibid., 8, 264
8. Ibid. 9, 62

Levy of Provisions and Forced Labour :

The Manusmṛti refers to a kind of tax on the cattle stock of the people. It lays down that the king should take fiftieth part of the cattles. Besides, meat, honey clarified butter, perfumes, medical herbs, substances used for flavouring food, flowers, roots, fruits, leaves, potsherds, grass, object made of cane, skins, earthen vessels and all articles made of stones were the regular body of king's income.[1]

Forced labour was resorted to in this period for Manu ordains that Śūdras, craftsmen and artisans discharge their dues by work.[2] He also states that they may be made to work one day each month for the king.[3] This does not imply that they were exempted from taxes. Manu says that the weavers should pay eleven palas and in the case of failure of payment in time, twelve palas.[4]

Commercial Taxes :

Taxes on saleable commodities seem to have been an important source of royal income. Manu tells us that the king should realize twentieth part of that which persons having experience of toll houses and skilled in estimating the value of all kinds of goods may fix as the value for each commodity[5]. Thus cash assessment was the usual practice.

A controversy exists regarding the question whether the duty was assessed on the value of the commodity or on the profit derived there from. Commenting on Manu's above rule, Medhātithi and Sarvajñanārāyaṇa hold that it refers to twentieth part of the amount of merchandise. Govindarāja, Kullūka and Rāghavānanda construe the passage to mean twentieth part of the profit derived from the same.[6] Mitramiśra in his Rājanīti Prakāśha states that although the text of

1. Mane. 7, 130-32, cf. Mahābhāṣya, VI. 3.10. It refers to levi called avikaṭorṇa (a tribute or tax consisting of a ram to the king)
2. Manu. 10, 120
3. Ibid., 7, 138
4. Manu. 8, 396-97
5. Ibid., 8, 398. cf. Buch op. cit., pt. II. pp. 312-15
6. Medhātithi and others on Manu. 8, 398

Manu refers to twentieth part of the principal, the merchant would be ruined.[1] But this apprehension is removed by another rule of Manusmṛti which says that the king should fix the market rates of articles after considering among other things, the probable profit and outlay.[2] This implies that even if śulka was to be assessed on the estimated value of commodities, the price was to be fixed as to leave a margin of profit to traders.[3] The fact that merchant's profit was not adversely affected is borne out by still another injunction of Manu according to which the king should levy taxes upon merchants after carefully considering the affairs relating to purchase and sale, the distance travelled, the provision consumed and the charges of securing the goods.[4] The king should levy a nominal tax on poor men, living by plying small trades in his kingdom.[5]

The Śulka was the most important means of royal income under the commercial taxes. According to Ghoshal śulka is specifically the tax levied on merchants inside the fortified town and is distinct from the ferry duties (tara) etc.[6] Manu merely states that the rate at which śulka should be realized and does not state whether it should be imposed on foreign or internal articles.[7]

Another kind of toll consisted of ferry toll realized for the use of the government boats in crossing rivers. According to Manu for long distances along the banks of rivers the fare (tara) should be proportioned to the distance and duration of journey. He does not mention any settled charge for journey on sea. However certain classes of people were normally exempted from the payment of ferry toll. He also ordains that no ferry fee should be charged from a woman pregnant for two or more months, an ascetic, a forester and brahmins who are students of the Veda (śrotriya).[8]

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1. Mitramiśrā; Rājanītiprakāśa, p 184
2. Manu. 8, 401
3. Jha (D.N.) op. cit., p. 72
4. Manu. 7, 127
5. Manu. 7, 137
6. Ghoshal (U.N)) Indian Historigraphy, p. 117
7. Manu. 10, 120
8. Ibid., 8, 404-407

Fines and other means of revenue :

Manu refers to fines as a source of income.[1] He mentions sixtyfour offences which may entail monetary fines. It is not possible to ascertain the rate at which fines were imposed in practice. Manu ordains a fine of 96 paṇas for giving a blemished damsel to a suitor.[2] Again Vaiśyas and Śūdras defaming Kṣatriyas were to pay 25 and 12 paṇas respectively as fine.[3] Similarly in the case of sexual offences Manu has prescribed a fine of 500 paṇas, if a Brahmin committed adultery with a Brāhmaṇī.[4] Adulteration of commodities involved, according to Manu, a fine of 200 paṇas.[5] Nevertheless considerable income may have accrued from judicial fines. He emphasises that there is none who is exempted from punishment in the king's court whether the person be the king's father or friend or mother or maternal uncle.[6]

The escheat of heirless property to the state appears to have been another source of income. Manu says that the king may take the estate on failure of all heirs. But the property of a Brahmin must never be taken by the king.[7]

Treasure-trove and deposits were the other source of income. Manu ignores the finder's reward of sixth part but accepts the original owners claim to the treasure-trove. According to him when a person claims the treasure-trove and proves his title thereto, the king shall take from him sixth or twelveth part whereas any false claimant shall be fined eight times the value of the property in question. When, however, a learned Brahmin finds a treasure-trove, Manu allows him to keep the whole of it for he is the lord of all. In the same context he further ordains that when a king finds the treasure-trove, he is to give half of it to the Brahmins and sends the other half to his own treasury. The king can also take half of the ancient hoards and metals found underground by virtue of his ensuring protection and being the lord of the earth.[8]

1. Manu. 8, 307
2. Ibid., 8, 224
3. Ibid., 8, 268
4. Ibid., 8, 378
5. Manu. 9, 286
6. Ibid., 8, 335
7. Ibid., 9, 188-89
8. Ibid., 8, 35-39

Manu ordains that the king should punish gamblers because they afflict the good people.[1] He also includes them in a class of thorns by the side of the king's subjects.[2] Thus He does not regard gambling as a source of income for a king. He also permits confiscation to defray the expenses of sacrifice.[3] The properties of corrupt officials and judges was also confiscated by the king.[4]

Tributes from the vanquished kings and vassals may have contributed to the coffers of the king. Income from tributes is stated to have been legitimate source of livelihood of kings.[5]

Mines are described by Manu as a source of revenue for which trusted officials are to be employed by the king.[6]

Emergency revenue :

Manu is not only laconic on emergency taxation but also reticent about the levy of praṇaya. According to him a king can take even one-fourth of the crops in times of distress without incurring any sin.[7] It is also laid down that the Kṣatriya who protects the Vaiśyas by his weapon may collect from them one-eighth as tax on grains and one-twentieth as śulka with the minimum of one Kārṣapaṇa.[8] Manu suggests nothing more than a rise in the normal rates of revenue in times of crisis. But even in times of crisis, Brahmins were exempted from taxes.[9]

Fiscal immunities :

The state revenue suffered a great loss on account of certain classes of people being exempted from the payment of taxes. According to Manu, the blind, the idiot, the lame and the man of seventy years of age are exempted from the payment of all taxes.[10] Besides the Brahmins and the śrotriyas, women

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1. Manu. 9, 224-28
2. Ibid., 9, 258
3. Ibid., 12, 11-13
4. Ibid., 9, 234
5. Ibid., 7, 98
6. Manu. 7, 62
7. Ibid., 10, 118
8. Ibid., 10, 120
9. Ibid., 7, 133
10. Ibid., 8, 394

carrying pregnancy two months or more, ascetics and the hermits should not pay toll at any ferry.[1] Even though dying the king should not levy a tax from the śrotriya.[2] At first learned Brahmins were exempted from paying taxes, but later on it was felt that a large number of them are acquainted with the Vedic learning and so the fiscal privileges might benefit the whole Brahmin class.[3] Manu does not make any distinction in matters of fiscal exemption in thecase of Brahmins.[4] Manu speaks about the objects of enjoyment and various kind of riches given by the king to the Brahmins.[5]

Fiscal Units :

Manu's reference to grāmika shows that a village was a unit of administration. Manu speaks of both smaller and larger groups. According to him the entire kingdom should be divided into the groups of one, ten, twenty, hundred and thousand villages. Between the units of 100 and 1000 villages, he provides for three groups of two hundred, three hundred and five hundred known as gulmas.

Revenue officers :

A number of officers were employed for the purpose of the collection of revenue of the state. Manu refers to grāmika who controlled the village. He was appointed by the king. Manu does not indicate that the grāmika was to perform military functions. He ordains that in the midst of two, three, five or hundred villages the king should appoint an administrator of state, supplied with picket of guards. The local peace and tranquility was looked after by the guards who were stationed in the group of villages and not by the grāmika.[5] Manu ordains that the king should appoint in each town a superintendent (sarvārthacintaka) of all works who should

1. Manu. 8,407
2. Ibid., 7, 133
3. Sharma (R.S.) Economic aspects of caste system, p. 6
4. Manu. 9, 317
5. Ibid., 7, 82
6. Ibid., 7, 114-18

always personally supervise the work of other officers.[1] He might have exercised some supervisory control over fiscal administration as well.

As regards the payment of officers, Manu lays down that the village headman should obtain (presumably as his emoluments) those articles which the villagers have to furnish every day to the king, viz. food, drink, fuel etc. The officer over ten villages should enjoy one kula, that over a twenty villages five kulas, the superintendent of a hundred villages the revenue of one village and the high officer over a thousand villages the revenue of a town.[2] They may suggest that central government's high ranking officers may have continued to be paid in terms of money.[3]

Army and Warfare :

An efficient army was maintained by the king to discharge his duty of protecting the subjects from external incursions and internal calamities.[4] The king was the supreme commander of the army in the battle-field. The commander-in-chief of the army was called senāpati.[5] His functions included the organization and training of the army. The army mainly consisted of chariots, elephants, horses, and infantry. Chariots were drawn by horses. Horses and elephants formed an important division of the army.[6] Manu states that the army is six-fold but has not given any detail.[7] Medhātithi holds that six fold divisions of army contains treasury and machines in addition to the above mentioned four divisions. According to another view these divisions are hereditary soldiers, mercenaries, groups, friendly, unfriendly and foresters. Kullūka enumerates horses, chariots, infantry, the general and workmen.[8] The Manusmṛti mentions the superiority of the Kuru, the Matsya, the Pañcāla and the Śurasena soldiers.[9] The belt covered by

1. Manu. 7, 122
2. Ibid., 7, 118-19
3. Jha (D.N.) op. cit., p. 201
4. Manu. 7, 87-89; 144
5. Ibid., 7, 189
6. Manu. 7, 96; 172
7. Ibid., 7, 185
8. Medhātithi and Kullūka on 7, 18 and 186
9. Ibid., 7, 193

the upper Ganga-Yamuna doab, eastern Panjab and Northern Rājasthan is still the most important source of Indian army.[1]

Commander-in-chief :

Of the ministers the two principal persons were chief-minister and the commander-in-chief. It was he on whom depended the army and the due control of the subjects on the army.[2] At the time of war the king should allot to the commander-in-chief, to the subordinate generals and to the superior officers, places in all directions and have his front in that direction whence he fears danger.[3] However, no details are available in regard to his powers and functions. Perhaps he was responsible for the organizing of the army, recruitment and training of the soliders. Medhātithi asserts that Senāpati is the commander of the army whereas Balādhyakṣa is the commander of entire force of the king. According to Kullūka, the leader of ten units consisting of elephants, horses, chariots and infantry is known as Pattika. The leader of ten Pattikas was known as Senāpati (commander-in-chief) and the incharge of ten Senāpatis was called Balādhyakṣa.[4]

War (Āhava) :

Medhātithi defines war as the place where the warriors vying with one another, challenge to battle and strike each other to the utmost of their capacity.[5] The main purposes of war are, self-protection, extention of territory, balance of power and answering a challenge.[6] War is declared to be of two kinds viz. that which is undertaken in season or out of season, by oneself and for one's own purpose and that waged to avenge an injury done to a friend. Medhātithi interprets season as the time when the king declaring war is confident of

1. Misra (S); op. cit,, p. 197
2. Manu, 7, 65
3. Ibid., 7, 189
4. Medhātithi and Kullūka on Manu. 7, 187, 189
5. Medhātithi on 7, 89
6. Vācaspati Upādhyāya; Prāchīn a Bhārte Antarāṣṭrīya Sambandha. (unpublished thesis).

his strength to defeat his enemy, when his own subjects are united and prosperous and fully gifted with reward (harvest) of agriculture and other kings of business; and the subjects of his enemy have become covetous and hence can be easily won over to the other side. According to Kullūka it means the month of Mārgaśīrṣa or month of Phālguna. He also adds that war may be declared when some adversity has befallen the enemy. Medhātithi opines that war should be waged in the season for one's own sake but out of season for the sake of one's ally.[1]

Art of War :

The art of war is fully expounded in the Manusmṛti. Even the order of the march and the best mode of commencing a general action are laid down. Marching is undertaken by one alone due to an urgent need or undertaken by one allied with a friend.[2] The refuge is taken for the purpose of advance advantages when one is harassed by enemies, (secondly), in order to become known among the virtuous as the protege of a powerful king. The king should have recourse to peaceful measures when he thinks that at some times in furture his superiority is certain and that at the present time he will suffer little injury. The king should risk war only when he thinks that his army is strong and that of his enemy the reverse. When the king knows the enemy to be stronger in every respect then he should quickly seek refuge with a righteous powerful king. A weak king should serve that king who would coerce both his subjects and the army of the foe. If he sees no use in refuge then he should without hesitation go in for war. By all the four expedients a king must arrange that neither friends, nor neutrals, nor foes are superior to himself. He should fully take into account the future and immediate results of all undertakings. He should arrange everything in such a manner that no ally, no neutral or foe may injure him.[3]

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1. Medhātithi and Kullūka on 7, 164
2. Manu. 7, 165
3. Ibid., 7, 168, 180

So actual fighting was to be resorted to only as the last expedient. The king should secretly bring over to his party all such as he can safely bring over. He should be informed of all that his enemies are doing and when time comes; he should give battle, pushing on to conquest. Yet he should be more sedulous to reduce his enemies by negotiation by well applied gifts and by creating divisions using either all or some of those methods, then by hazarding at any time a decisive action, since victory or defeat are not surely foreseen or either side when two armies engage in the field. The king then avoid a pitched battle ; but should there be no means of applying the three expedients, let him after due preparation, fight so valiantly, that his enemy may be totally routed.[1]

The king should attack his enemy in the month of Mārgaśīrṣa (November-December) or towards the months of Phālguna (February-March) and Caitra, (March-April). During these months fodder and grains are abundant and the roads are dry. This helps in the smooth movement of the army.[2] The soldiers were arranged in several arrays while marching on compaign. He should march on the road, arraying his troops like a stall, or like a waggon (i.e. in wedge), or like a boar (i.e. in a rhombus) or like a Makara (i.e. in two triangles, with apices joined), or like a pin (i.e. in a long line), or like a Garuḍa (i.e. in rhomboid with far-extended wings).[3] He should, himself encamp in an array, shaped like a lotus. The names of these vyūha formations are according to the shape of the things they resemble. They are explained by Medhātithi and Kullūka.

In Daṇḍa-Vyūha formation the commander of the entire force is in the fore-front, then the king in the centre, then the army, commander, on his two flanks, the elephants close to them the horses and then the foot-soldiers. The whole array is like a Daṇḍa (staff) and operates in a straight line. Kullūka opines that this formation should be adopted when there is a danger from all sides on the way.

1. Manu. 7, 197-200
2. Ibid., 7, 182
3. Ibid., 7; 187

Śakata-Vyūha (cart) is that in which the array looks like a cart. According to Kullūka its fornt face resembles a needle and the back portion is broad: It should be resorted to when there is a danger from the rear.

Varāha-Vyūha (boar array) is that which has narrow formation in the front and in the end and expanded in the middle.

Garuḍa-Vyūha is same formation more expanded in tha middle. Both these formations should be adopted when there is danger from side.

The Makra-Vyūha is broad at the front face and at the two flanks. According the Kullūka this formation is just opposite of the Varāha Vyūha and thus holds that it is broad at the front face and at the end but narrow in the middle. This formation is praised by Medhātithi because there is no weak point anywhere in it and even when oppressed by braver enemy and thus purpose of the attacking king is certainly accomplished. It should be adopted when there is danger from all sides.[1]

Manu enjoins upon a king to always encamp himself in Padma-Vyūha (lotus array).[2] It is equally extended on all sides, perfectly circular and the king himself stationed in the centre.[3]

The commentators explain that the Vajra-Vyūha is that particular formation in which soldiers are divided into three parts, one in the front, another in the rear and the rest on the two sides of the king.[4]

The commander-in-chief, generals and other officers were given places in all directions. He should fix his eye on that direction whence he fears danger.[5] Victory or defeat in the battle depends upon the commanders and the generals who lead the army to warfare and hence their importance has been stressed.[6] Fearless and loyal, experts both in sustaining a charge and in charging, reliable, knower of signals, troop of

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1. Medhātithi and Kullūka on 7, 187
2. Manu. 7, 188
3. Kullūka on 7, 188
4. Medhātithi and Kullūka on. 7, 191
5. Manu. 7, 189
6. Ibid., 7, 65

soldiers should be placed on all sides. Let him make a small number of soldiers fight in close order; at his pleasure let him extend a large number in loose ranks; or let him make them fight, arranging (a small numbers) in the thunderbolt-array. Chariots and horses are to be used on even ground, boats and elephants in water-bound places, bows on ground covered with trees and shurbs, swords targets and other weapons on hilly ground.

Men born in Kurukṣetra, Matsyas, Pañcālas and Śurasena, fight in the van of the battle as well as other who are tall and light.[1] After arranging his soldiers, he should encourage them and carefully inspect them. He should also mark their behaviour when they engage the enemy. Having encircled his foe let him sit encamped, harass his kingdom and continually spoil his grass, food, fuel and water, tanks, ramparts and ditches. He should assail the foe unaware and alarm him at night.

The Victorious King :

Being victorious, the king should worship the gods and honour righteous Brahmins. He should grant exemptions and cause promises of safety to be proclaimed. He should install a relative of the defeated ruler on the throne and impose his conditions. Manu enjoins that in a conquered country the religion should be respected, the established laws maintained, and the rights of property so far as possible be undisturbed. It is evident that war and the enlargement of dominion formed a subject which had engaged the attention and had been studied successfully by men of great intelligence in the time of Manu.[2]

The New King :

The new king and his chief servants should be honoured with precious gifts by the victorious king. He should make that king is his friend because though weak today may become

1. Manu. 7, 190-93
2. Ibid., 7, 201-205; Law (N.N.) 'Inter-state' op. cit., pp. 62-63

powerful in future. The wise declare him to be a most dangerous foe who is wise, of noble race, brave, clever, liberal, grateful and firm. A neutral king is one whose behaviour is worth of an Ārya who knows men, who is brave liberal and compassionate.[1]

Booty :

Chariot and horses, elephants, parasols, money, grain, cattle, women, all sorts of marketable goods and valueless metals belong to him who takes singlely conquering the possessor. King must distribute the booty not taken alone among all the soldiers.[2] The satisfaction of his soldiers was considered most essential for good relation between the king and the soldiers.

Rules of Warfare ;

Manu enjoins upon kings not to shrink from battle. Not to turn back in battle, is the best means for a king to secure happiness. Those kings who seeking to slay each other in battle, fight with the utmost exertion and do not turn back, go to heaven. But the Manusmṛti forbids the killing of the following persons. One who in fight has climbed on an eminence, eunuch, one who joins the palms of his hands (in supplication), one who flees with flying hair, one who sits down, one who says, "I am thine", one who sleeps. one who has lost his coat of mail, one who is naked, one who is disarmed, one who looks on without taking part in the fight, one who is fighting with another foe, one whose weapons are broken, one afflicted, one who has been grievously wounded, one who is frightened, and one who has turned to flight. He should not fight with bis enemies with weapons concealed, nor with such as are barbed, poisoned or the points of which are blazing with fire.[3] The concealed weapons, according to Medhātithi

1. Manu. 7, 208-11
2. Ibid., 7, 96-97
3. Ibid., 7, 87-93

and Kullūka, are those sharp weapons that have a wooden exterior. The barbed ones are those arrows that have ear-shaped barbs. Medhātithi describes it as weapons, those arrows that are supplied either at the base or in the middle of their shafts and have ear-shaped barbs.[1]

Weapons :

Various types of weapons were used during this period. The principal weapons of warfare included bows and arrows, swords and spears, club of Khadira wood, iron staff and targets.[2] The warrior put on a coat of mail (kavacha) to protect his body.[3] Weapons concealed in wood, barbed, poisoned and with blazing points were also sometimes used though their use was not appreciated by experts on military affairs.[4]

Interstate Relations and Foreign Policy :

The influence of the neighbouring states on the functioning of a state necessitates the study of interstate relations. Prof. Chatterjee observes, "Intercourse among states in ancient India was taken for granted. It was rather the rule than the exception. States were convinced that they could not remain in isolation, even if they so liked, and this conviction made such intercourse somewhat unavoidable."[5] Manu lays down that a king does not prosper so much by gaining gold and treasury as by obtaining a friend. He further adds that friends though a weak one, is greatly praised who is righteous, grateful, whose subject are contented, who is loyal and who pursues the work up to its completion.[6] Thus a friend in the form of a neighbour or distant king is very essential for a king.

Therefore, Manu has eplicitly expounded the theory of Rājamaṇḍala (circle of states). He lays down that on the

1. Manu. 7, 90
2. Ibid., 7, 192; 8, 315
3. Ibid., 7, 92
4. Ibid., 7, 90
5. Chatterjee, (H.L.) International Law and Interstate Relations in Ancient India, p. 7
6. Manu. 7, 208-209

conduct of the middlemost (Madhyama), on the doings of him who seeks conquest (Vijigīṣu), on the behaviour of the neutral king, (Udāsīna) and on that of the foe (śatru), let him sedulously meditate. These four constituents (Prakṛti) form the foundation of the circle of neighbours; besides eight others are enumerated in the institutes of polity and thus the total is declared to be twelve. The minister, the kingdom, the fortress, the treasury and the army are five other constituent elements of the circle : for these are mentioned in connection with each of the first twelve : thus the whole circle consists briefly (speaking of) seventytwo (constituent parts). Let the king consider as hostile his immediate neighbour and the partisan of such a foe; as friendly, the immediate neighbour of his foe; as neutral, the king beyond these two.[1] Thus this theory contemplates a system of state bound by hostile, friend or natural relations with an ambitious potentate as its central figure.[2]

Thus Rājmaṇḍala (circle of states) theory was the foundation of the foreign policy of the kings. One who is desirous of victory should overcome all the enemies by means of the (four) expedients, conciliation and the rest employed either singly or conjointly or by bravery and policy alone.[3] King should know the secret of his enemies but conceal his own secret policies from them. He should cover his secrets and

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1. Manu. 7, 155-158: Miśra (Sudama), Jaanpada State In Ancient India, p. 169-70. Dikshitar (V.R.R.), War in Ancient India, pp. 310-11, Spellman (J.W.), Political Theory of Ancient India, p. 158. The author says, "There is no accurate information as to the origin of the theory. It does not appear in the Vedic and Brāhmaṇa literature. But it is given in considerable details in the Arthaśāstra and is also mentioned in the Mahābhārata. Our estimate is that this theory is probably no earlier than about 500 B.C. and may be one of the theoretical conclusion of the struggle for power between kingdom of Northern India which culminated in the Mauryan empire."
2. Ghoshal (U.N.) A History of Ancient Indian Political Ideas. p. 845.
3. Manu. 7, 159 : Medhātithi and Kullūka define a Vijigīṣu as the king who has the subjects loyal to him and who has made up his mind to conquer certain part of the world on account of his being possessed of courage, and strength. He seems to be the overlord of the states of the circle.

seven elements of state like the tortoise. Let him plan his undertakings (patiently meditating) like a heron; or like a lion, let him put forth his strength; like a wolf, let him snatch his prey; like hare, let him double in retreat.[1] Manu refers to three kings viz., sama, uttama and madhyama, but does not explain these terms[2]. The enemy who is intelligent, of noble race, brave charitable, clever grateful and firm is considered to be the most dangerous enemy. Without neglecting him, he should make peace with such an enemy.[3]

The madhyama is explained by Medhātithi as a king whose territory is close to that of Vijigīsu. According to Kullūka madhyama is one whose territory is co-terminus with that of the Vijigīṣu and ari and who is capable of helping both of them when they are united and who is capable of resisting them individually when they are not combined.[4] So the Vijigīṣu should try to win over the madhyama. Law opines, "*The madhyama is thus a stronger power intermediate between* the Vijigīṣu or the ari on the one hand and the Udāsīna on the other. Both these are status of higher grades of strength perhaps to meet emergencies of references to such powers.[5]"

The Udāsīna is described by Manu as a king who is beyond the enemy and his neighbour.[6] Medhātithi defines it as a king capable of containing each of the two, vijigiṣu and his enemy singly but not conjointly and also each of these three vijigīṣu, ari, and madhyama singly but not conjointly,[7]

According to Kullūka, an Udāsīna is one who is capable of helping Vijigīṣu and madhyama when they are in alliance and is capable of resisting them singly when they are not combined.[8] Dikshitar holds that in the territory of an Udāsīna, peace always prevails and thus shows that an

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1. Manu. 7, 105-6
2. Ibid., 7, 87
3. Ibid., 7, 210
4. Medhātithi and Kullūka on Manu. 7, 155
5. Law (N.N.) : Interstate relations in ancient India. pp. 12-13
6. Manu. 7, 158
7. Medhātithi on 7, 158
8. Kullūka on 7, 155

Udāsīna is an indifferent king.[1] Spellman is inclined to explain Udāsīna as a neutral king who was beyond the territories of any of the above kings.[2] Chatterjee does not subscribe to the view of Spellman as he thinks that neutrality is an attitude related to the continuation of previous existing state.[3] This is supported by the use of nirapekṣya by Kullūka.[4]

The qualities of an Udāsīna are nobility, knowledge of men, bravery, compassion, constant liberality.[5] He persued a policy of non-intervention accepted by the Rājamaṇḍala.[6]

The Vijigīṣu must always guard his allies and others against possible enemy attack because their destruction would eventually lead to the ruin of his own kingdom.[7] He should secure his back before undertaking an expedition. The pārṣṇīgraha (the heel-catcher) may be hostile to him and may try to invade his kingdom during his absence.[8]

Thus a country should arrange her relations with other countries in such a manner that its allies and foes are so interspersed around that at no time she is rendered helpless. In the event of one country being invaded, there are always friends and allies to oppose the invasions for the purpose of safeguarding their own interests. Defence to one country is aggression to another. Hence the ancient Indian political thinkers have unanimously praised the importance of maṇḍala theory.[9]

Six measures of the Royal policy :

The six-fold royal policy is a natural corrollary to the

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1. Dikshitar (V.R.R.), op. cit., p. 131
2. Spellman (J.W.), Political theory of ancient India, p. 152
3. Chatterjee (H.L.), op. cit., p. 131
4. Kullūka on, 7, 155
5. Manu. 7, 211
6. Dikshitar, op. cit., pp. 321-22
7. Medhātithi on. 9, 295-96
8. Manu. 7, 207
9. Bhandari (M) : op. cit., p. 357-58; Upādhyāya (V.P.) : Prāchīna Bhārate antārāṣṭrīya sambandha, an unpublished thesis. The author says : Still the theory of statal-circle is not a static rule and has to be adopted according to the exigencies at a particular hour.

theory of Rājamaṇḍala. According to Ghoshal, if the former reflects the schematic grouping of states by our authors after the pattern of interstate relations in post-Vedic times, the latter expresses with pedantic thoroughness, the wide range of those relations.[1] Manu enjoins upon a king to mediate upon the six measures of royal policy viz., Sandhi (alliance), Vigraha (diplomatic war), Yāna (preparedness for attack), Āsana (maintenance of a post against the enemy), Dvaidhebhāva (double-dealing), Saṁśraya (seeking protection) He should follow this policy after taking into account his profit and loss.

Sandhi (an alliance) which yields present and future advantages, is of two kinds viz, that when one marches together with an ally and the contrary (when the allies act separately).[2] According to Medhātithi and Kullūka, Sandhi means making presents of gold and other things with a view to secure the goodwill of both the parties and opposite of this is vigraha.[3] The Samānakarma (alliance) refers to an alliance for a common enterprise to be undertaken by the joint strength of the two or more powers whereas the latter refers to an alliance where common counsel is essential though the enterprise may be different.[4]

Manu defines vigraha as a diplomatic contest first and recommends the use of force only for the stronger king, whose victory may be assured in war on account of his superior force.[5] The law-giver mentions two broad divisions of vigraha (war) : firstly that which arises due to the carelessness or weakness of the enemy and secondly that which comes about due to the insult of the ally and is resorted to, to avenge that insult.

Āsana is also of two types viz. holding to the post due to lack of means or holding to the post due to the pressure of the allies in face of the enemy.[6] It is prescribed both for weak and strong kings. The policy of Āsana as such is uti-

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1. Ghoshal (U.N.) H.A.I.P.I., p. 94
2. Manu. 7, 160-63
3. Medhātithi and Kullūka. on 7, 160
4. Manu. 7, 163
5. Ibid., 7, 198-200
6. Ibid., 7, 164-66

lized as a diplomatic move to defeat or harass or set at naught the manoevours of the enemy.[1] Medhātithi and Kullūka explain this terms as ignoring the enemy. Medhātithi holds that it also means withdrawing of one self.[2]

The Manusmṛti classifies Yāna (attack) into two categories viz. to attach the enemy at once in the adversity or to take the help of the ally and then attack ?[3]

Again Manu mentions two types of Saṁśraya (seeking of protection or friendship). The first consists in taking the help of a strong monarch on being pressed by the enemies. The second consists in the spreading of news of the help of a powerful monarch on the apprehension of trouble from the enemy. Thus it was used to contain the evil intentions of the enemies.

The last ingridient of diplomacy is also divided into two categories: (i) to keep the armies in accordance with the wishes of the Senāpati at one place in order to meet the end of the state and (ii) to occupy some other fort with a fraction of the forces probably to impress on the enemy, the existence of strained relation between the king and the commander-in-chief.[4]

The Four-fold Expedients (Upāyas) :

Success in undertakings, according to Manu, rests on both fate and human efforts, yet fate cannot accomplish anything without human efforts.[5] The king should accomplish his mission by the proper and timely application of the fourfold expedients of diplomacy. Through these expedients, he can conquer his foes, and subjects. These expedients are, sāma (conciliation), dāna (giving of gifts or presents i.e. compromise), bheda (causing dissentions) and daṇḍa (force)[6] These are the cardinal constituents of the ancient system of diplomacy.

Medhātithi and Kullūka define sāma as friendly

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1. Misra (S) : op. cit., p. 173
2. Medhātithi and Kullūka on 7, 160, 166
3. Manu. 7, 165
4. Manu. 7, 167-68; Dikishtar: War in Ancient India, p. 325
5. Ibid., 7, 205
6. Ibid.. 7, 109

meetings, sitting together, conversing, seeing each other's wife and so forth. Thus friendliness will accomplish the tasks of a king.

Dāna (gift) means presentation of gold and other things as token of affection for the purpose of creating actual attachment. Kullūka includes in the list of gifts, the elephants, horses and chariots etc.[1] Sometimes this can be used to win over certain important persons attached with the foes. Of these the sāma (conciliation) and the daṇḍa are considered to be superior. But daṇḍa (force) is to be employed in extreme cases.[2] In comparison to the above mentioned two instruments of diplomacy, dāna is considered less important. As the expedient of Bheda (sowing dissension) involved all sorts of fair and foul play on the part of the king employing it, so Manu underrates its importance.[3] Actually, it was applied to weaken the enemy. It could be internal and external both. But for its success it depend on hard labour, perseverance and keen foresight on the part of the king employing it. In fact it would be profitable expedient in the case of a righteous but conquering king where the Kṣatriya ideals would not allow even the weaker side to refrain from war and subsequent destruction.[4] Kullūka explains bheda as winning over the subjects and the followers of the enemy king. Medhātithi on the other hand explains it as winning over the family members of the person desired to be won over. He further adds that those members of the foe's famıly who are angery with him and who are desirous of obtaining his kingdom are alienable and the act of alienation consists in estranging depends upon their chief and inciting them to achieve their own purpose at the cost of the latter.[5] Daṇḍa (use of force) is the fourth means of diplomacy. Daṇḍa may be called diplomatic war, not actually an armed conquest, rather it is the

1. Medhātithi and Kullūka on 7, 198
2. Manu. 7, 201-3
3. Ibid., 7, 109
4. Ibid., 7, 87
5. Kullūka and Medhātithi on 7, 198

last resort before actual adoption of fighting.[1] Blockade, boycott, refusal of the right of passing and so on are the means of pressuring, other than war. Hence physical, moral or economic pressures may be called Daṇḍa.[2] Manu allows the use of Daṇḍa when the other means fail to achieve the desired result.[3] Medhātithi holds that everything is accomplished by daṇḍa and Kullūka asserts that the use of daṇḍa makes success sure.[4] Manu enjoins upon a king to conquer his enemies by prowess (pauruṣa) and polity (nīti).[5] But Medhātithi explains these words as conciliation and use of force.[6] But since victory is doubtful, fighting should be avoided and resorted to as a last resort.[7] The king is expected to fight vigorously when victory is uncertain and equally possible for both the sides. But Medhātithi advises the king to retreat when victory appears doubtful whereas Kullūka permits to take such a step only when defeat is certain. But it is not always the case that he who attains victory is the stronger of the two combatants or the defeated is necessarily the weaker one. Thus victory is uncertain and hence war should be avoided and other means be preferably employed.[8] Manu advises the king to use daṇḍa slowly and not hurriedly.[9]

By using these upāyas (expedients) severally and collectively, a king should win over his enemies and influence the activities of madhyama (intermediate) and Udāsīna (indifferent) kings.[10] Manu asserts that the king should act in such a manner that his allies, neutrals and enemies do not become superiors.[11] The absence of intermediary king in this list does

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1. Misra (S) op. cit., p. 175
2. Bhandari (M): A comparative study of Medhātithi and Kullūka Bhatt on Rājadharma Section of Manusmṛti. (An unpublished thesis, Delhi University), 1978. pp. 399-402
3. Manu. 7, 109
4. Medhātithi and Kullūka on Manu. 7, 109
5. Manu. 7, 159
6. Medhātithi on Manu. 7, 159
7. Manu. 7, 198-99
8. Medhātithi and Kullūka on Manu. 7, 199-200
9. Manu. 7. 108
10. Ibid., 7, 159
11. Ibid., 7, 177

not imply that he being a friend must not be watched, Medhātithi holds that this omission is due to metrical exigencies. He must be watched for no one is friendly without a motive. He (the king) may adopt any measure even such as the formation of clique etc.[1]

Ambassadors :

Another officer appointed by the king was the ambassador (Dūta). The envoy should be an honest and skilful person. He should belong to a noble family. He should be well-versed in all sciences. He should understand hints, expressions of the face and gestures. That royal ambassador was applauded most who was generally beloved, pure within and without, dexterous in business and endowed with an excellent memory, knower of countries and times, handsome, intrepid and eloquent. The peace and war of the king depended on the ambassador. He is described as a person who alone is capable of making allies and separating them.[2] He should discover the acts of the enemy king, by the signs, hints and acts of his confidential servants and the measures, which that king wishes to take by the gestures and actions of his ministers. Having known about the designs of the enemy an envoy should deliver correct information to his king about the manoevours of the enemy. Thus the Manusmṛti gives a detailed account of the responsibilities and duties of an ambassador which shows his importance in realm of diplomacy.

A distinciton has been made between an ordinary and a commended ambassador.[3]

Spies (Cāra) :

The spies (Cāra) play an important role in diplomacy. It

1. Medhātithi and Kullūka on 7, 177
2. Manu. 7, 63-66
3. Ibid., 7, 67 : Kullūka has elucidated the meaning of signs like iṅgita, ākāra, ceṣṭā separately.

is through them that the king acquires the knowledge of the secrets and weak points of his enemy. Medhātithi is also aware of this purpose served by spies. Many regulations for the employment of spies in public life have been laid down in the Manusmṛti. Spies were appointed to know about the behaviour of each rural official. At midday or at midnight king should deliberate, either alone or with his ministers on the doing of his spies. Manu enjoins upon the king to be on guard and well armed while meeting the spies.[2] In this connection Manu refers to five types of spies without naming them.[3] The spies were employed by the king in his own country to settle the truth in judicial matter.[4] The spies were also used to detect thieves who stole property, who showed themselves openly and those who lay concealed. Among them, the open rogues were those who subsisted by cheating in the sale of various marketable commodities, but the hidden rogues were burglars, robbers, cheaters, gamblers and who took bribes. those who lived by teaching the performance of auspicious ceremonies, sanctimonious, hypocrites, fortune-tellers, officials of high rank, physicians, who acted improperly, prostitutes, men who lived by showing their proficiency in arts and those who were non-Āryans but who walked in disguised like the Āryans.[5] Spies were also used to constantly ascertain the king's own and his enemies strength.[6]

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1. Manu. 7, 122, Kāmandaka, Nītisāra, XII. 32. Distinguishing between Dūta and cāra, Kāmandaka says that a Dūta works openly while a cāra secretly.
2. Ibid., 7, 153, 223
3. Ibid., 7, 154; Medhātithi names five types of spies viz., Kāṭika (a scholar), Udāsthita (fallen-Ascetic), Gṛhapatika (a housholder in trouble), Tāpasa (hermit).
4. Ibid., 7, 182
5. Ibid., 9, 256-60
6. Ibid:, 9, 298

13

Legal Ideas and Institutions

In addition to a divine code of morals, the Manusmṛti is also a treatise on criminal and civil laws. Sarkar remarks, "Manu and Yājñavalkya are undoubtedly the two most eminent jurists of ancient India. Each of them contributed in his own way to the development of Hindu law by elaboration, systematization and elucidation.[1]" The laws of Manu give us some insight into the mode of administration of justice.

The term Dharma is also used in the sense of law in the code of Manu. This term stands for all moral principals governing social, religious, and political life.[2] Manu says that the Veda, the sacred tradition, the customs of virtuous men and one's own pleasure are declared to be visibly the four-fold means of defining the sacred law.[3] The authority of Śruti (revelation) and Smṛti (tradition) could not be questioned since from those two the sacred law shone forth.[4] According to the law-giver those Brahmins must be considered as śiṣṭas who, in accordance with the sacred law, have studied the Veda together with its appendages and are able to adduce

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1. Sarkar (V.C.) : Epochs in Hindu Legal History, Hoshiarpur, 1958, p. 102.
2. Ramgopal. op. cit., p. 182; Banerjea (P.N.) : Public Administration in Ancient India, London, 1961, p, 131. The author says, "Law (Dharma) as understood in the early times, was the entire body of rules by which society was believed to hold together and which was supposed to conduce to the well-being of the people. Such rules fell into two classes, namely (i) moral and religious rules and (ii) positive laws."
3. Manu. 2, 6, 12
4. Ibid., 2, 10

proofs perceptible by the senses from the revealed texts.[1] The king's administration of justice should be regulated by above mentioned sources of law. In addition to these, laws of castes, of districts, of guilds and of families, must be taken into consideration by the king while deciding the law suits.[2] The acts of virtuous Brahmins if are not incompatible with the customs of countries, families and castes, may be taken as laws to be followed by others.[3]

Thus the king had no powers of legislation and had to enforce the laws and customs prevalent at that time. But of course these laws must have the sanction of the Veda.[4]

Formation of the Court :

The administration of justice was done in the properly constituted courts. The king's court whose jurisdiction is dealt with by the Dharma-śāstras, the only one for which their rules relative to the composition of tribunal, the procedure, or even the deciding of cases, really apply.[5] Banerjea opines, "The king's court, it seems, had two sorts of jurisdiction namely, original and appellate."[6] The king together with the Chief-Justice (prāḍvivāka) and three or four other judges (sabhyas) formed the highest court of justice. We are told that the king entered his court of justice, preserving a great dignified demeanour together with Brahmins and with experienced councillors.[7] The Brahamins, even when they are not appointed by the king, have the right to be present at the hearing and to express their opinions. There either seated or standing, raising his right arm without osten-

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1. Manu. 12, 109
2. Ibid., 8, 41-42
3. Ibid., 8, 46
4. Ramgopal, op. cit., p. 190
5. Robert Lingat, The classical law of India, (translated into Eng. from French by J. Duncan M. Derrett), 1978, p. 248
6. Banerjea (P.N.) op. cit,, p. 145
7. Manu, 8, 9-11

tation in his dress and ornaments, the king examine the business of the suitors.[1] This supreme court was commonly called the court of Brahmā. The trial held in the open court was effected by the examination of witnesses in the presence of the parties concerned.[2]

According to Prof. Lingat, the king's court must have a single jurisdiction throughout the kingdom, but we are not prevented from supposing that the important towns had officials to whom the king delegated his powers of judicature by commission.[3] Further more, jurisdiction seems to have been largely decentralised and even disseminated amongst many elements in the population. Even a body of persons exercising a particular activity seems to have been invested with the legal right to hear disputes between its members, cultivators, artisans, money-lenders, guilds of merchants, dancers, those who wear the signs of a religious order and thieves should arrange their affairs following the rules of their professions. But a more general competence is attributed to bodies called Kula, Śreṇī, gaṇa or pūga on the composition of which the commentators differ. Medhātithi says Kula means a family group. When the members of the family have begun judgement on a dispute submitted to them, their decision must be observed precisely. But if there is reason to fear that they might be partial towards one of the parties, perhaps because they are more closely related to him than to other, the case should be submitted to the Śreṇī (guild of persons exercising the same profession). This group has more authority than the body of relations. For the later form fear beyond being summoned before the king would give royal officials an excuse to interfere in their group's affairs. But the Śreṇī cannot revise a decision passed by a meeting of relations. This seems to be no more than an estimate of the authority of a decision rendered by a gaṇa (which Medhātithi visualises as a body of builders or temple Brahmins), the

1. Manu. 8, 1-2
2. Ibid., 8, 79
3. Lingat (R), op. cit., p. 248; Banerjea (P.N.), op. cit., pp. 145-46

superiorty of that decision over that of a Śreṇī amounting to this, that the members of a gaṇa would always act collectively.

So it seems, at least in Medhātithi's opinion, kula, śreṇīs and gaṇas form independent jurisdiction each subject directly to the control of the king. Apart from that it is difficult to see what jurisdictional relations there could be between gathering of such different compositions.[1] It is probable as Colebrooke thought that their essential task was to arbitrate between their members and that a body called superior could take cognizance only when the parties agreed to commit their dispute to its final award.[2]

Administration of Justice in Villages :

The administration of justice was essentially localised and whatever might have been the nature of the village courts, an attempt was made to settle rural cases in the first instance in the villages themselve. The king was the highest court of justice; the courts called kula, śreṇī and gaṇa were of the nature of arbitration councils with no power to impose fines or corporal punishments.[3] The local courts had an initial advantage in that the members of the same caste and occupation and the residents of the same place stood better chances of understanding the facts of a case correctly.[4] In ancient India disputes about the boundaries of villages and fields were required to be decided in the first instance by four, eight or ten neighbours.[5] This system of local arbitration councils had another advantage in that the particular customs or usages of the disputes of the parties were better known to the people forming the tribunal. It is however not to be supposed that those courts had unlimited rights. Their jurisdiction was actually restricted to petty cases.[6] This does

1. Lingat (R), op. cit., 246-47; Medhātithi on Manu. 8.2
2. Colebrooke, Miscellaneous Essays. I. 492
3. Lallanji Gopal : Administration of justice In villages in ancient India, an article in 'Sanskrit and Indological Studies; pp. 127-28
4. Ibid., p. 130
5. Manu. 8, 258
6. Lallanji Gopal : loc. cit., p. 130

not mean that the village courts were without any power to enforce their punishments.[1] Their judgements had the sanction of the central authority.[2]

Judge :

Usually the king acted as a judge to decide the law suits. Brahmins and experienced councillors assisted him in his work.[3] But if the king did not personally investigate the suits, then he used to appoint a learned Brahmin to try them.[4] He was assisted by three assessors in his work. He should be a Brahmin but never a Śūdra. The kingdom where a Śūdra settles the law will sink low like a cow in a morass. The judge must be just. Justice should not be destroyed by injustice for justice being violated destroys; justice being preserved, preserves: therefore justice must not be violated, lest violated justice destroy us.[5] It was the duty of the king to resettle the case which was wrongly decided by his officers or judges and fine them one thousand paṇas.[6] The judge used to occupy a special seat in the court. His body was covered perhaps with a cloak. Before starting the trial of cases with a collected mind, he worshipped the guardian deities of the world.[7] With these words Manu lays down the behaviour of a judge to be followed by him in the court room.

Titles of Law :

The judge was to investigate all cases arising out of eighteen tittles of law. These were the following: the non-payment of debts, deposits, and pledges, sale without ownership, disputes among parties, restitution of goods, non-payment of wages, non-performance of agreements, rescission of sale and purchase; disputes between the owner of cattle and his servants,

1. Maine (H). op. cit., p. 68
2. Alteker op. cit., pp. 44-46
3. Manu. 8.1
4. Ibid., 8, 9-10
5. Manu. 8, 12-21
6. Ibid., 9, 234
7. Ibid. 8, 23

disputes regarding boundaries, assault, defamation. theft, robbery, violence, adultery, duties of man and wife, partition of inheritance, gambling and betting and miscellaneous cases, all of which have been most minutely described by Manu.[1] Of these eighteen titles of law, fourteen are civil suits and assault, violence, defamation and adultery fall under criminal suits. The smṛti works do not draw any distinction between civil and criminal courts and cases. But they fully understood their distinction.[2]

Punishment :

According to the Manusmṛti, the lord created his own son punishment, the protector of creatures, an incarnation of law, formed of Brahma's lustre, for the accomplishing of the work by the king. Due to the fear of punishment all created beings, allow themselves to be enjoyed and severe not from their duties. Punishment is in reality the king and the male, the manager of affairs, the ruler and is called the surety for the four orders' obedience to the law. Punishment alone governs all created beings; punishment alone protects them: punishment is identical with the law. If (it) is properly inflicted after due consideration, it makes all people happy, but inflicted without consideration it destroys everything. If the king did not inflict punishment on those worthy punished the stronger would roast the weaker, like a fish on a spike. The whole world is kept in order by punishment for a guiltless man is hard to find. All varṇas would be corrupted, all barriers would be broken through and all men would rage against each other inconsequence of mistakes with respect to punishment. A king who properly inflicts punishment prosper with respect to Dharma, Arth and Kāma; but he who is voluptous, partial and deceitful will be destroyed even through the unjust punishment. Punishment cannot be inflicted justly by one who has no assistant nor by a fool, nor by a covetous man, nor by one whose

1. Manu. 8, 3-8
2. Banerjea (P.N.) op. cit,, p. 153

mind is unimproved nor by one addicted to sensual pleasures. But him who is pure and faithful to his promise, acts according to the institutes, has good assistants and is wise punishment can be justly inflicted. Let him act with justice in his own domain, with vigour chastises his friends and be lenient towards Brahmins. In this way by the proper use of the punishment, the fame of the king spreads in the world like a drop of clarified butter in water.[1]

Criminal Laws:

Manu was quite aware of several purposes served by punishment; though he does not develop a regular science of penology.[2] A person convicted for minor crimes were let off after a reprimand. This reprimand served as deterrent for future crimes by that person. But in the case of heinous crimes capital punishment was awarded to the accused. Caste considerations played an important part in the awarding of the punishment. Manu lays down that the judge would examine the cases of suitors according to the order of the castes.[3] The members of lower castes were more severely punished than the members of the higher castes. He ordains that capital punishment should not be given to a Brahmin convict though he has committed all possible crimes.[4] To deter a Brahmin from repeating the same crime, Manu recommends tonsure of the head, banishment without confiscating his property.[5] The lighter punishment for reviling, when the offender is of higher caste than the person who is reviled,[6] is based on the principel

1. Manu. 7, 14-33
2. Sharan (M.K.) Court procedure in Ancient India, p. 192
3. Manu. 8, 24
4. Ibid., 8, 380
5. Ibid., 8, 379 : Tripathi (H.N.) : Prācīna Bhārata Me Aparādha Aur Daṇḍa, p. 143. The author says that there are five theories of punishment viz., Retributive, Deterrent, Preventive, Reformative, and Emiciation.
6. Ibid. 8, 268

of enforcement of deterrent penalties in the interest of social discipline. It can be taken as a privilege.[1] In theft[2] where social discipline is more involved, the heavier penalty for the Brahmin, is the score of a social upset, if those who are better educated and esteemed as spiritually and socially higher set a bad example.[3]

Another purpose of punishment is preventive i.e., if a culprit is imprisoned for an offence; he is prevented or disabled from repeating the same offence, or committing further offences for some time at least and if he be sentenced to death or transported for life or banished, the commission of offences by him is prevented for his life time. The punishment was deemed to be a sort of expiation which purged the man of sinful promptings and reformed his character.[4] Punishment is not an end in itself: it is meant for redemption. Manu says that men who are guilty of crimes and have been punished by the king, go to heaven becoming pure like those who perform meritorious deeds.[5]

Rape :

Rape and adultery were considered as the most heinous crimes punishable by death or by banishment, or by mutilation of the genital organ and by confiscation of property. Rape is defined as an act of physically forcing a woman to have sexual intercourse.[6] According to Manu corporal punishment should be given to one who rapes an unwilling maiden. A man who enjoys a willing maiden of the equal caste should be exempted from the corporal punishment.[7] But if a Brahmin rapes a guarded Brāhmaṇi, he should be fined one thousand paṇas. In the case of one who had carnal connection with a

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1. Aiyanger: op. cit., p. 131
2. Manu. 8, 33-38
3. Aiyanger, (K. V.R.): op. cit., p. 131
4. Sharan (M.K.) : op. cit., p. 192
5. Saletore (B.A.): op. cit., p. 160
6. Laurence Urdany (Editor) : The Random House Dictionary of the English Language, College Edition, Delhi, 1972
7. Manu. 8, 364

willing one the fine should be exactly half of above.[1] This would imply that a rape committed by a person other than Brahmin, would bring him corporal punishment.

Adultery :

Adultery means voluntary sexual intercourse of a marride person with some one other than his lawful spouse.[2] Manu declares that in this world there is nothing so detrimental to long life as criminal conversation with another man's wife.[3] The same penance is prescribed for a woman adulteress as for an adulterer. Adultery committed by a twice-born man with a Vṛṣalī, would entail on him sin that could be removed in three years by subsisting on alms and daily muttering sacred texts.[4] It is included in the list of Upapātakas.[5] According to ancient jurists, adultery (saṁgrahaṇa) not only includes in it sexual intercourse but also criminal conversation with a woman at a tīrtha, outside the village, in a forest, or at the confluence of rivers, offering presents, romping (with her), touching her ornaments and dress, sitting with her on a bed, touching of woman's secret parts by a male, allowing oneself to be touched in such spot by her. Except Brahmin, all others ought to suffer death for adutery, for the wives of all the four castes even must always be carefully guarded. Mendicants, bards, men who perform sacrifices and artisans serve as an exception to the above mentioned rules and so can speak to married women.[6]

One suvarṇa is the fine prescribed by the lawgiver for conversing with a married woman in spite of prohibition. This rule does not apply to the wives of actors and singers, nor of those who live on the intrigues of their own wives; for such men send their wives to others or concealing themselves

1. Manu. 8, 378
2. Laurence Urdany, op. cit., 'Adultery'
3. Manu. 4, 133-34
4. Ibid., 11, 177-79
5. Ibid., 11, 60
6. Ibid., 8, 356-63

allow them to hold criminal intercourse. A small fine is imposed on one who converse with women or with female slaves kept by one's master. The king should cause the male adulterer to be burnt on a red-hot iron bed. Fine becomes double if once convicted man commits the same crime within a year. Fine must be doubled for repeated intercourse with a Vrātya and a Cāṇḍālī. A Śūdra who has intercourse with an unguarded woman of a twice-born caste shall lose the part offending and all his property, if she was guarded everything even his life. For this very crime with a guarded Brāhmaṇī, a Vaiśya forfeits all his property and is awarded imprisonment for a year; a Kṣatriya shall be fined one thousand paṇas and shall be shaved with the urine of an ass. For intercouse with unguarded Brāhmaṇī, a Vaiśya and a Kṣatriya shall be fined five hundred paṇas and one thousand paṇas respectively.[1] If á Vaiśya approaches a guarded female of the Kṣatriya caste or a Kṣatriya a guarded Vaiśya woman, they both deserve the same punishment as in the case of an unguarded Brahmin female. A Brahmin shall be compelled to pay a fine of one thousand if he has intercourse with guarded females of those two castes; for offending with a guarded Śūdra female a fine of one thousand paṇas shall be inflicted on a Kṣatriya or a Vaiśya. For intercourse with an unguarded Kṣatriya a fine of five hundred paṇas shall fall on a Vaiśya; but for the same offence a Kṣatriya shall be shaved with the urine of a donkey or pay the same fine. A Brahmin having intercourse with unguarded females of the Kṣatriya or Vaiśya castes or a Śūdra female shall be fined five hundred paṇas: but for intercourse with a female of the lowest caste, one thousand.[2] An adulterer will have swellings in his limbs in his next life.[3] He will also become Brahmarākṣasa in the future life.[4]

Punishment are also laid down for an adulteress. The king should not fine a maiden who makes advances to a man of high caste. She shall be forced to live confined in her house by him.[5]

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1. Manu. 8, 372-75
2. Ibid., 382-85
3. Ibid.. 11, 52
4. Manu. 12, 60
5. Ibid., 8, 365

A damsel, who pollutes another damsel, must be fined two hundred paṇas; pay the double of her nuptial fee and receive ten lashes with a rod. But a woman who polutes a damsel shall instantly have her head shaved or two fingers cut off and be made to ride through the town on a donkey. If a wife violates her duty towards her husband out of pride of the greatness of her relatives, the king should cause her to be devoured by dogs in a place frequented by many.[1] On account of this sin she is disgraced in this world and enters the womb of a jackal and will be tormented by diseases in the next life.[2] For disloyalty to her husband a wife is censured among men and meets the same fate (as described above) in the life here after.[3]

Adultery with wife of guru is counted among mortal sins (Mahāpātakas).[4] For violating a guru's bed the mark of a female part should be impressed on the forehead with a hot iron.[5] The violator of a guru's bed will have a diseased skin in his next life. He enters a hundred times the forms of grasses, shrubs and creepers, like wise of carnivorous animals and of beasts with fangs and doing cruel deeds.[6]

Many penances have been laid down by Manu for the violator of guru's bed. One such penance ask him to extend himself on heated iron bed or embrace the red-hot image of a woman; by dying in this manner he becomes pure. Or having himself cut off his organ and his testicles and having taken them in his joined hands, he may walk straight towards Nirṛti (the south-west) until he falls down dead; or carrying the foot of a bedstead, dressed in bark and allowing his beard to grow, he may with concentrated mind, performed during a whole year the Kṛcchra (or hard penance), revealed by Prajāpati in a lonely forest; or controlling his organs, he may during three months continuously perform the lunar penance subsisting on sacrificial food or barley gruel, in order to remove the guilt for violating a guru's bed.[7] For intercourse with sisters, with wives of a friend, or of a son, with unmarried maidens and with females

1. Manu. 8, 369-71
2. Ibid., 5, 164
3. Ibid., 9, 30
4. Ibid., 9, 235
5. Manu. 9, 237
6. Ibid., 9, 49; 12, 58
7. Ibid., 11, 104-107

of the lowest castes, the same penance is prescribed as in the case of the violator of guru's bed. He who approaches the daughter of paternal aunt or maternal aunt or his maternal uncle, shall perform a lunar penance. A man who has committed a bestial crime or an unnatural crime with a female shall perform a Santāpana Kṛcchra penance. An exceedingly corrupt wife should perform the penance which is prescribed for males in case of adultery. The sin which a twice-born man commits by dallying one night with a Vṛṣalī, he removes in three years, by subsisting on alms and daily muttering sacred texts.[1]

Defamation :

An attempt to defame some one was considered a crime worth punishable. According to Manu that man who out of malice defames a maiden shall be fined one hundred paṇas if he cannot prove her blemish.[2] A Kṣatriya having defamed a Brahmin shall be fined one hundred (paṇas); a Vaiśya one hundred and fifty or two hundred; a Śūdra shall suffer corporal punishment. On the other hand a Brahmin shall be fined fifty paṇas for defaming a Kṣatriya; in the case of Vaiśya the fine shall be twenty-five paṇas; a Śūdra twelve.[3] He who defames his mother, father, wife, brother, son, or teacher shall be compelled to pay one hundred paṇas.[4] He, who through arrogance makes false statements regarding the learning of a caste-fellow, his country, his caste or rites by which his body was sanctified, shall be compelled to pay a fine of two hundred paṇas.[5]

Abuse :

For mutual abuse by a Brahmin and a Kṣatriya, a fine must be imposed by discerning (king), on the Brahmin the lowest amercement but on the Kṣatriya the middlemost. A Vaiśya and a Śūdra must be punished exactly in the same

1. Manu, 8, 171-179
2. Ibid., 8,252
3. Ibid., 8, 267-69
4. Manu. 8, 275
5. Ibid., 8, 273

manner, according to their respective castes, but the tongue of the Śūdra shall not be cut out.[1] A Śūdra who insults a twice-born man with gross invective shall have his tongue chopped off: for he is of low origin. If he mentions the names and castes of the twice-born contemptuously, an iron-nail, ten finger long, shall be thrust into his mouth. A person should be fined at least one Kārṣapaṇa if he calls another man one eyed, lame or the like. If a Śūdra arrogantly teaches Brahmins their duty, the king shall cause hot oil to be poured into his mouth and ears. For offences of twice-born men against those of equal caste the fine shall be also twelve paṇas. For speeches which ought not to be uttered every fine shall be doubled.[2]

Assault, Hurt, Damage, and Injury:

Ordaining penalties for assault and hurt, Manu says that with whatever limb a man of a low caste hurts a man of the three higher castes, even that limb shall be cut off. He who raises his hand or a stick shall have his hand cut off. He who in anger kicks wife with his foot, shall have his foot cut off.[3] If he catches the hair of a superior, his hand should be cut off; like wise if he takes him by the foot, the beard, the neck or the scrotum. He who breaks the skin of an equal or fetches blood from him, shall be fined one hundred paṇas; he who cuts a muscle, six niṣkas: he who breaks a bone shall be banished. If a blow is struck against men or animals in order to give pain, the judge shall inflict a fine in proportion to the amount of pain caused. In all cases of hurting a limb wounding, or fetching blood, the assailant shall pay the expense of a perfect cure; or on his failure, both full damages and fine to the same amount. He who damages the goods of another be it intentionally or unintentionally, shall give satisfaction to the owner and pay to the king, a fine equal to the damage. A fine must be inflicted for injuring trees. But it should be in accordance to their usefulness. In the case of

1. Manu. 8, 276-77
2. Ibid., 8, 270-74
3. Manu. 8, 279-80; Tripathi (H.N.), op. cit., pp. 76-80

damage done to leather, or to untensils of leather, of wood, or of clay, the fine shall be five times of their value; likewise in the case of damage to flowers, roots and fruits.[1] If the cart turns off the road through the driver's want of skill, the owner shall be fined. if damage is done, two hundred paṇas. If the driver is skilful but negligent, he alone shall be fined; if he is unskilful, and the occupants of the carriage also shall be fined one hundred paṇas each. But if he is stopped on the way by cattle or by another carriage and he causes the death of any living being, a fine shall be imposed. If a man is killed, his guilt be at once the same as that of a thief; for large animals such as cows, elephants, camels or horses, half of that. For injuring small cattles the fine shall be two hundred paṇas; the fine for beautiful quadrupeds and birds shall amount to fifty panas. For donkey, sheep. and goat the fine shall be five māṣas; but the punishment for killing a dog or a pig shall be one māṣas. A wife, a son, a slave, a pupil and a younger brother of the full blood, who commits faults, may be beaten with a rope or split bamboo only on the back part of the body. He who strikes them otherwise will incur the same guilt as a thief.[2]

According to the law-giver a twice-born man who has merely threatened a Brahmin with intention of doing him a corporal injury will wander about for a hundred years in the Tāmisra hell. One should never raise a stick on another man, nor strike any body except a son or a pupil Having intentionaly struck him (Brahmin) in anger, even with a blade of grass, he will be born during twentyone existences in the womb of such beings where men are born in punishment of their sins. A man who in his folly caused blood to flow from the body of a Brahmin, who does not attack him, will suffer after death exceedingly great pain. As many particles of dust as the blood takes up from the ground, during so many years the spiller of the blood will be devoured by other animals in the next world. A wise man should therefore never threaten a Brahmin, nor strike him even with a blade of grass nor

1. Manu. 8, 282-90
2. Ibid., 293-300

cause his blood to flow. He who always delights in doing injury will never attain happiness in this world. For threatening a Brahmin, the offender shall perform a Kṛcchra; for striking him an Atikṛcchra, for shedding his blood a Kṛcchra and an Atikṛcchra.[1] A snātaka should avoid in anger the holding of his own or other men's hair or striking himself or others on the head.[2]

Homicide :

Prescribing penalties for homicide, Manu says that if a man is killed, the driver's guilt will be same as that of a thief.[3] The slayer of a Brahmin must be considered as a man who committed moral sins (Mahāpātakas).[4] Killing of a friend is an offence equal to drinking of Sūrā.[5] Loss of caste is described as the result of slaying women.[6] For his purification, the slayer of a Brahmin shall make a hut in the forest and dwell in it during twelve years subsisting on alms and making the skull of a dead man, his flag or become in a battle the target of archers; or he may thrice throw himself head long into a blazing fire; or he may offer a Horse-sacrifice, a Svarjit, a Gosava, an Abhijit, a Trivṛt or an Āgniṣtut; or in order to remove the guilt of slaying a Brahmin, he may walk one hundred yojanas, reciting one of the Vedas, eating little and controlling his organs: or he may present to a Brahmin, learned in the Vedas his whole property, as much wealth as suffices for the maintenance of the recipient or a house together with the furniture, or subsisting on sacrificial food, he may walk against the stream along the whole course of the river Saraswatī; or restricting his food very much, he may mutter thrice the Saṁhitā of a Veda. Having shaved off all his hair, he may dwell at the extremity of the village, or in a cow-pen or in a hermitage, or at the root of a tree, taking pleasure in doing good to cows and Brahmins. By killing himself for the sake of a Brahmin and a cow, a man is freed

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1. Manu. 4, 164-70; 11, 207-209
2. Ibid., 4, 83
3. Ibid., 8, 296
4. Manu. 9, 235; 11, 55
5. Ibid., 11, 57
6. Ibid., 11, 67

from the guilt of slaying a Brahmin, and so if he who saves the life of a cow or of a Brahmin. He who bathes at the close of a Horse-sacrifice after confessing his crime before Brahmins and Kṣatriyas, is also freed from his guilt. He must perform the same panance for destroying the embryo of a Brahmin, the sex of which was unknown; for slaying a Kṣatriya or a Vaiśya who have offered a sacrifice or a Brāhmaṇī who has bathed after temporary uncleanness. Same penance is prescribed for killing his wife or his friend. There is no atonement ordained for intentionally slaying a Brahmin.[1] One-fourth of the panance for the murder of a Brahmin is prescribed as expiation for intentionally killing Kṣatriya, one-eighth for killing a Vaiśya, one-sixteenth for killing a virtuous Śūdra. For unintentionally killing a Kṣatriya, a Brahmin shall give one thousand cows and a bull; or he may perform the penance prescribed for the murder of a Brahmin during three years controlling himself, wearing his hair in braids, staying far away from the village, and dwelling at the root of a tree. A Brahmin who has slain a virtuous Vaiśya shall perform the same penance during one year or he may give one hundred cows and one bull. He who has slain a Śūdra shall perform that whole penance during six months, or he may also give ten white cows and one bull to a Brahmin.[2] For killing a eunuch a Brahmin shall give a load of straw and a māṣa of lead.[3]

Mischievious Acts :

Punishments were also given for mischievious acts. He who destroys a bridge, a flag, a pole, or images, shall repair the whole damage and pay five hundred paṇas. For aduterating unadulterated commodities and for breaking gems, or for improperly boring them, the fine is the first or lowest amercement.[4] Him who destroys the walls of a town or fills up the ditch round a town or breaks a town-gate, he shall be instantly banished.[5] Him who breaks the dam or a tank, he shall slay

1. Manu. 11, 73-87
2. Ibid., 11, 127-31
3. Ibid., 11, 134
4. Manu. 9, 285-86
5. Ibid., 9, 289

by drowning himself in water or by some other simple mode of capital punishment or the offender may repair the damage, but shall be made to pay the highest amercement. Those who break into a royal storehouse, an armoury or a temple, stealers of elephants, horses or chariots, he shall slay without hesitation. But he who takes away the water of a tank made in ancient times or shall cut off the supply of water, must be made to pay the first or lowest amercement.[1] He who sells for seeds, corns, which are not seed corns, he who takes up seed, already sown. and he who destroys a boundary mark, shall be punished by mutilation. A dishonest gold-smith should be cut into pieces with razors.[2] All physicians who treat wrongly shall pay a fine; in the case of animals the first (lowest); in the case of human being the middle most.[3]

Theft and Robbery:

Theft and robbery are the other two crimes which came under heavy fire in the codes of Manu. Differenciating between these two crimes Manu says that an offence which is committed in the presence of the owner and with violence is robbery; if it is committed in his presence, is a theft; likewise if the possession of anything denied after it has been taken.[4] The king should exert himself to the utmost to punish thieves for by doing this, his fame grows and his kingdom prospers. He should carefully restrain the wicked by three methods, by imprisonment. by putting them in fetters and by various kinds of corporal punishments. The thief should carry on his shoulder a pestle or a club of Khadira wood or a spear sharp at both ends or an iron staff to the king and confess his guilt. Whether he be punished or pardoned the thief is freed from the guilt of theft; but the king if he punishes not, takes upon himself the guilt of the thief.[5] He who steals the rope or the water-pot from a well or damages a hut where water is distributed shall pay one māṣa as a fine and restore the article in

1. Manu. 9, 279-81
2. Ibid., 9, 291-92
3. Ibid., 9, 284
4. Manu. 8, 232
5. Ibid., 8, 302-17

its proper place. On him who steals more than ten Kumbhas of grain corporal punishment shall be inflicted; in other cases he shall be fined eleven times as much and shall pay to the owner the value of his property. Corporal punishment shall also be awarded to one who steals more than a hundred palas of articles sold by weight of gold, silver and so forth and of most excellent clothes. The hands of the offender shall be cut off for stealing more than fifty palas; but in other cases, let him inflict a fine of eleven times the value. For stealing a woman, precious gems, the offender deserves corporal punishment. For stealing large animals, weapons or medicines, the king fix a punishment after considering the time and the purpose for which they were destined. For stealing the cows of the Brahmins, the thief shall forthwith lose half his feet.[1] For stealing thread, cotton, drugs, causing fermentation, cow-dung, molasses, sour-milk, sweat-milk, butter-milk, water or grass, vessels made of bamboo or other cane, salt of various kinds, earthen vessels, earth and ashes, fish, birds, oil, clarified butter, meat, honey and other things related to beasts, spirituous liquor, boiled rice and every kind of cooked food, the fine shall be twice the value of the stolen article. Five kṛṣṇālas shall be the fine for stealing flowers, green corn, shurbs, creepers, trees and other unhusked grains. For husked grains, vegetables, roots and fruits the fine shall be one hundred paṇas: if there is no connection between the owner and the thief: fifty paṇas if such a connection exists.[2] With whatever limb a thief in any way commits an offence against men, even of that the king shall deprive him, in order to prevent a repetition of the crime.[3] In a case of theft the guilt of a Śūdra shall be eight-fold, that of a Vaiśya sixteenfold, that of a Kṣatriya two-and-thirtyfold, that of Brahmin sixty-fourfold or quite a hundred-fold, or even twice, four-and-sixty is fold, each of them knowing the nature of the offence.

1. Manu, 8, 326-31
2. Ibid., 8, 334
3. Ibid., 8, 337-42

A Brahmin seeking to obtain property from a man who took what was not given to him either by sacrificing for him or by teaching him, is even like a thief. He who ties up unbound or sets free tied up cattle, he who takes a slave, a horse or a carriage, will incur the guilt of a thief. A twice-born man who is travelling and whose provisions are exhausted shall not be fined, if he takes two stalks of sugar-cane or two (esculent) roots from the field of another man. The taking of roots and of fruits from trees of wood for a sacrificial fire, and of grass for feeding cows, is no theft. On the first conviction let him cause two fingers of a cut-purse to be amputated, on the second, one hand and one foot; on the third, he shall suffer death. Those who give to thieves, fire, food, arms or shelter and receivers of stolen goods, the ruler shall punish like thieves.[1] For theft of agricultural implements, of arms and of medicines. the king should award punishment, taking into account the time of the offence and the use of the object.[2] Theft is listed among mortal sins by Manu.[3] A just king shall not cause a thief to be put to death unless taken with the stolen goods in his possession; him who is taken with the stolen goods and the implements of burglary, he may without hesitation cause to be slain. All those who in villages give food to thieves or grant them shelter for concealing their implements, he shall cause them to be put to death. Those who are appointed to guard provinces and his vassals who have been ordered to help, he shall speedily punish like thieves; if they remain inactive in attacks by robbers.[4] The thief is excluded from Śrāddha and his food should not be eaten by the Brahmins.[5] Stealing a deposit or men, a horse and silver, land, diamonds and other gems, is declared to be equal to stealing the gold of a Brahmin.[6] He who steals the gold of the Brahmins will have diseased nails in the next birth.[7] A Brahmin who steals the gold of a Brahmin shall pass a thousand times through the bodies of spiders, snakes and

1. Manu. 9, 277-78
2. Ibid., 9, 293
3. Ibid., 9, 235; 11, 55
4. Ibid., 9, 270-72
5. Manu. 3, 150; 4, 210
6. Ibid., 11, 58
7. Ibid., 11, 49

lizards, acquatic-animals, and destructive piśācas.[1] Property stolen by thieves must be restored by a king to men of all castes: a king who uses such property for himself incurs the guilt of a thief. He who desires to remove by austerities the guilt of stealing the gold of a Brahmin, shall perform the penance prescribed for the slayer of a Brahmin living in a forest and dressed in garments made of bark.[2] Kṛcchra penance during a whole year is prescribed for a man who have stolen the property, grains or cooked food from the house of caste fellow. The lunar penance has been prescribed as the expiation for stealing men and women, a field, a house or water of wells and cisterns.

He who has stolen objects of small value from the house of another man shall after restoring the stolen article, perform a Santāpana Kṛcchra for his purification. To swallow the five products of the cow, is the atonement for stealing estables of various kinds, a vehicle, a bed, a seat, flowers, roots, fruits. Fasting during three days and nights shall be the penance for stealing grass, wood, trees, dry food, molasses, clothes, leather and meat. To subsist during twelve days on uncooked grains is the penance for stealing gems, pearls coral, copper, silver, iron, brass or stone. For stealing cotton, silk, wood, an animal with cloven hoofs, or one with uncloven hoofs, a bird, perfumes, medicinal herbs or a rope the penance is to subsist during three days on milk.[3]

The king should inflict various kinds of capital punishment on those who rob his treasury. But the king shall put off the hands of those robbers who breaking into houses, commit thefts at night and cause them to be impaled on a pointed stake.[4] Those who give no assistance according to their ability when a village is being plundered or highway rubbery committed, shall be banished with their goods and chattels. By discovering officials through his spies the king shall attack by force and slay them together with their friends, blood-relations and connections.[5]

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1. Manu. 12, 57
2. Ibid , 11, 10C-13
3. Ibid., 11, 163-69
4. Manu. 9, 275-76
5. Ibid., 9, 261-69

Damages :

According to Manu, if the crop is damaged by cattle in the enclosed field near a highway or near a village, the herdsman shall be fined one hundred paṇas; but cattle unattended by a herdsman, the watchman in the field shall drive away. For damage in other fields, each head of cattle shall pay a fine of one paṇa and a quarter and in all cases the value of the crop destroyed shall be made good to the owner of the field. No fine shall be paid for damage done by a cow within ten days after her calving, by bulls and by cattle sacred to the gods, whether they are attended by a herdsman or not. If the cattle do damage to unfenced crops on that (common), the king shall in that case not punish the herdsman. The owner of the field should make there a hedge. If the crops are destroyed by the husbandman's own fault, the fine shall amount to ten times as much as the king's share; but the fine shall be only half that amount if the fault lay with the servants and the farmer had no knowledge of it.

Violence :

Violence in any form was condemned. Manu enjoins upon the king to punish the man who commits violence in order to gain the seat of Indra and imperishable eternal fame. He who commits violence must be considered as the worst offender more wicked than a defamer, than a thief and than he who injures another with a staff. King must not let go perpetrator of violence who cause terror to all creatures, neither for friendship nor for great lucre. Twice-born men may take up arms when they are hindered in the fulfilment of their duties. He who kills in self-defence, in a strife for the fees of the officiating priests, and in order to protect women and Brahmins, commits no sin. Whether a teacher, a child, or an aged man, or a Brahmin versed in the Veda, he who approaches as an assassin, must be killed without hesitation.[2] Thus violence was a punishable offence in ancient India.

1. Manu. 8, 238-57
2. Ibid., 8, 281-82

Penalties for offences against men of higher castes :

Penalties were also prescribed for offences which created caste disorder. A low caste man who tries to place himself on the same seat with a man of high caste shall be branded on his helps and be banished or the king shall cause his buttock to be gashed. His lips should be cut off if out of arrogance, he spits on a man of superior caste; if he urines on him, the penis, if he breaks wind against him, the anus.[1] A man of low caste who through covetousness lives by the occupations of a higher one, the king should deprive of his property and banish.[2]

Judicial Procedure :

Law suits should not begun or hushed up by king or his servants. The king should discover on which side the right lies by inferences. He must pay full attention to truth, to the object of dispute, next to the witness, to the place, to the time and to the other aspects.[3] It was apparently incumbent upon the plaintiff to put in a written plaint[1] and if he delayed to do so, he was liable to be corporally punished or to be fined. In the suit to recover property, if the defendant denied the truth of the plaintiff's claim, then the latter has to establish it by the mouth of three witnesses,[5] at least, who could speak to the facts. In the event of the plaintiff by his witness or otherwise, varying the cause upon which he based his suit, or asserting confused and contradictory facts, or disclaiming a witness whom he had intentionally called or calling a witness who was not present at the time and place of the occurrence to which he was to depose, or improperly conversing with his witness, or refusing to answer a proper question and so on, the judge was bound to declare him not-suited. On the other hand if the defendant did not place within six weeks of being summoned, he was condemned for default and a plaintiff who made a false claim and defendant

1. Manu. 8, 281-82
2. Ibid., 10, 96
3. Ibid., 8, 43-45
4. Manu. 8, 58
5. Ibid., 8, 60

who falsely denied the truth of claim, were alike fined double the amount of the claim.[1] After the examination of the witness the judge heard argument on both sides.[2] Finally having arrived at the truth of the facts by a most careful consideration of the demeanour of the parties and their witnesses and of their testimony, he decided the matter in contest strictly according to the law, which was applicable to the case.[3]

This procedure and doctrine as to the duty of this court left, hardly anything to be desired and seemed to be indicative of an advanced stage of civilizaiion, a high appreciation of established law and a considerable amount of judicial culture. It is to be feared, however, that the integrity of the kings, judges and the veracity of litigant and witnesses were not of the same exalted character. A large portion of the Manusmṛti is devoted to impressing upon the king and his officers the awful nature of the obligation to judge the people righteously and the tremendous consequences here and hereafter of disregarding it.[4]

Witness :

Persons belonging to all the four castes were eligible to appear as witness. But they should be trustworthy, dutiful and free from covetousness. Householders, men with male issue and indigenous Kṣatriya, Vaiśya or Śūdra are competent to become witnesses. A king, a mechanic, a Śrotriya (a student of the Veda), an ascetic were exempted from appearing as witnesses in the court.[5] Those men must not be made witnesses who have an interest in the suit, nor familiar friends, companions, and enemies of the parties, nor men formerly convicted of perjury, nor persons suffering under severe illness, nor those tainted by mortal sin, nor one wholly dependent, nor one of bad fame, nor a robber (dasyu), nor one who follows forbidden occupations, nor aged, nor infant, nor a man of lowest castes, nor one deficient in organs of sense, nor

1. Manu. 8, 53-60
2. Ibid., 8, 44
3. Ibid., 8, 24-26
4. Manu. 8, 12-19
5. Ibid., 8, 62-65

extremely grieved, nor one intoxicated. nor a mad man, nor hungry man, nor thirsty man, nor fatigued man, nor desirous man, nor angry man, nor a thief. Women should act as witness for women, and for twice-born man, twice born men of the same kind, virtuous Śūdras for Śūdras and men of lowest caste for the lowest. The knower of an act committed in the interior apartments or in the forest or of a crime causing loss of life, may evidence between the parties. But in the absence of the proper witnesses, a woman, an infant, an aged man, a pupil, a relative, a slave or a hired servant, may appear as witnesses. The evidences of infants, aged, diseased men and with disordered minds are untrustworthy.[1] On a conflict of witnesses the king shall accept as true the evidence of the majority, if equal in number, those distinguished by good qualities; on a difference between equally distinguished witnesses that of the best among the twice-born. Evidence in accordance with what has actually been seen or heard, is admissible. A witness who speaks truth in those cases neither loses spiritual merit nor wealth. He must declare it exactly as he saw or heard it. What witness declares quite naturally that must be received on trials. The witnesses were examined by the judge in the presence of the plaintiff and of the defendant.[2]

The fate of those who are the witnesses of truth and the witnesses of falsehood is very aptly described in the code of Manu. Thus a witness who gives evidence with truth shall attain exalted seats of beatitude above and the highest fame here below; such testimony is reversed by Brahmā himself. The witness who speaks falsely shall be fast bound in the cords of Varuṇa and be wholly deprived of power during one hundred transmigrations; let man, therefore, give no false testimony. By truthfulness a witness is purified, through truthfulness his merits grow, truth, therefore, must be spoken by witnesses of all castes.[3]

The judge shall ask in the forenoon the twice-born facing

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1. Manu. 8, 62, 64-71
2. Ibid., 8, 73-79
3. Ibid., 8, 81-83

the north or the east to give true evidence in the presence of the gods and of the Brahmins. The standards of truthfulness could hardly have been high where continual exhortation was needed. We are also told that in some cases a man, who though knowing the facts to be different, gives such false evidences from a pious motive does not lose heaven; such evidences, they call the speech of the gods. Whenever the death of a Śūdra, of a Vaiśya, of a Kṣatriya, or of a Brahmin would be occasioned by true evidence, falsehood may be spoken; it is even preferable to truth.[1]

It is interesting to note that the law codes authorise the creditor to recover his property, if he can, by his own arm without having recourse to a court of law and if on his doing so the original wrong doer complains the latter becomes liable to be fined,[2] and also that whenever false evidence has been given in any suit, the king must reverse the judgement and whatever had been done must be considered as undone.[3]

Oaths and Ordeals :

These two facts go far to suggest that the regular actions of the courts were not altogether satisfactory in their results. This seems to be confirmed by the alternative, which thought necessary to allow them to reach their decision by the shortcut of a solemn oath or of ordeal. In case where no witness can be had between two parties opposing each other, the judge may ascertain the truth by the oath of the parties, if he cannot perfectly ascertain it. Let the judge cause a Brahmin to swear by his veracity, a Kṣatriya by his chariot or the animal he rides on and by his weapons, a Vaiśya by his kine, grain and gold and a Śūdra by imprecating on his head the guilt of all grievous offences. Or the judge may cause the party to carry fire or to dive under water or severally to touch the heads of his wives and children. He whom the blazing fire burns not, whom the water soon forces not to come up or who meets with no speedy misfortune must be held veracious in his testimony.[4]

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1. Manu. 8, 87-104
2. Ibid., 8, 176
3. Manu. 8, 117
4. Ibid., 8, 109-16

Perjury :

Perjury was considered to be an offence. A witness who gave false evidence due to covetousness, distraction, terror, friendship, lust, wrath ignorance and childness, was punished by the judge. He who committed perjury through covetousness should be fined one thousand paṇas, through distraction the lowest amercement, through fear, two middle-most amercements, through friendship four times the amount of the lowest amercement. He who does it through lust should pay ten times the lowest amercement, but through wrath three times the second amercement, through ignorance two hundreds, but through childness one hundred paṇas. These fines were imposed for perjury in order to prevent a failure of justice and to restrain injustice. A just king shall fine and banish men of the three lower castes who have given false evidences but a Brahmin he shall only banish. A Kṣatriya, a Vaiśya and a Śūdra who are unable to pay a fine shall discharge the debt by labour; a Brahmin shall pay it by instalments.[1]

Method of Judicial Investigation :

A judge was expected to determine the facts of the suit carefully through cross examination, inference, external signs etc. and give his judgement after ascertaining the truth in every possible way. Internal dispositions of men could be known by their voices, their colours, their motions, their aspects, their eyes and their gestures.[2] Let the king having fully ascertained the motive, the time and place of the offence and having considered the ability of the criminal to suffer and the nature of the crime, pronounce his judgement. Unjust punishment destroys reputation among men, so it should be avoided.[3] Let the judge reverse the judgement, whenever false evidence has been given in any suit and whatever has been done must be

1, Manu. 8, 118-23; Two hundred and fifty paṇas are declared to be the lowest (first) amercement, five hundred as mean (middlemost) but one thousand as highest. (8, 138)

2. Ibid., 8, 25-26

3. Ibid., 8, 126-28

taken as null and void.[1] All these modes of punishment should be applied conjointly if offenders are not contained by corporal chastisement.[2]

Civil Law :

Manu lays down the following laws regarding ownership of property: "They declare a field belonging to him who cleared away the timber and a deer to him who first wounded it."[3] This refers to the private ownership and enjoyment of land. But we should not deduce from it that everyone acquired property in the above mentioned manner. There were seven legitimate modes of acquiring wealth viz., inheritance, finding or friendly donation, purchase, conquest, lending at interest, the performance of work, and the acceptance of gifts from virtuous men.[4] The ornaments belonging to women should not be divided by heirs: those who divide them become out-casts.[5] A dress, a vehicle, ornaments, cooked food, water, female slaves, property destined for pious use, or sacrifices and a pasture ground, they declare as indivisible.[6] The king shall protect the inherited and other property of a minor, until he has returned from his teacher's house or until he has passed his minority. A righteous king must punish those relatives who appropriate property of barren females, of those who have no sons, of those whose family is extinct, of wives and widows faithful to their husbands, and of women afflicted with diseases. Property, the owner of which has disappeared, the king shall cause to be kept as a deposit during three years; within this period of three years the owner may claim it. When the property is lost and found again if he accurately describes the shape and the number and so forth, he is the owner and ought to receive that property. But if he does not really know the time and the place where it was lost its colour shape and size, he is worthy of a fine equal in value to

1. Manu. 8, 117
2. Ibid., 8, 130
3. Ibid., 9, 44
4. Manu. 11, 115
5. Ibid., 9, 200
6. Ibid., 9, 219

the object claimed. The king may take one-sixth part of property lost and afterwards found, or one-tenth or at least one-twelfth. Property lost and afterwards found by the king's servants shall remain in the keeping of special officials: those whom the king may convict of stealing, he shall cause to be slain by an elephant. The king may take one-sixth or one-twelfth part of the treasure-trove. He who falsely claims the treasure-trove shall be fined one-eighth of his property or a calculation of the value of the treasure-trove having been made in some smaller portion of that. But a Brahmin may take the whole of the treasure-trove. When the king finds treasure of old concealed in ground, let him give one-half to Brahmins and keep with himself the other half. Property stolen by thieves must be resorted by the king to men of all castes; a king who uses this property for himself incurs the guilt of a thief[1] If a father recovers lost ancestral property, he shall not divide it, unless by his own will, with his sons, for it is self-acquired property.[2] Property acquired by learning belongs solely to him to whom it was given, likewise the gift of a friend, a present received on marriage or with the honey-mixture.[3] The chattel of a man is enjoyed by another before his eyes for ten years, it is lost to him by law but not that of an idiot, and a minor. A pledge, a boundary, the property of infants, an open deposit, a sealed deposit, women, the property of the king and the wealth of a Śrotriya are not lost in consequence of adverse enjoyment.[4] The six-fold property of a woman was : what was given before the nuptial fire, what was given on the bridal procession, what was given in token of love and what was received from her brother, mother, or father. Such property and other gifts shall go to her children after her death. If she dies issueless then her property goes to her husband whom she has married according to the Brāhma, the Daiva, the Ārṣa, the Gandharva or the Prājāpatya rite. But in blamable marriages, such property shall go to her mother and to her father. Whatever property may have been

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1. Manu. 8, 27-40
2. Ibid , 9, 209
3. Manu. 9, 206
4. Ibid., 8, 147-49

given by her father to a wife that the daughter of the Brāhmaṇī wife shall take or her issue.[1]

The Law of Partition and Succession :

After the death of the father and of the mother, the brothers, being assembled may divide among themselves in equal shares the paternal and the maternal estate; for they have no power over it while the parents live. Or the eldest alone takes the whole paternal estate, the others shall live under him just as under their father.[2] If undivided brethren living with their father together make an exertion for gain, the father shall on no account give to them unequal shares on a division of the estate.[3] Separation is described as meritorious as it is conducive to spiritual merit.[4] Partition is made only once.[5] All the sons of twice-born men born of wives of the same caste, shall equally divide the estate, after the others have given to the eldest an additional share. Sons born of a Śūdra shall have equal shares even if there be a hundred sons.[6] The additional share deducted for the eldest shall be one-twentieth of the estate and the best of all chattels for the middle-most half of that, but for the youngest one-fourth.[7] The best article goes to the eldest out of the goods of every kind, and even a single chattel which is particularly good, as well as the best of ten animals. No additional share is allowed for the eldest if all the brothers are equally skilled in their works. Some trifle only shall be given to him as a token of respect. The eldest son should take one share in excess, the brother born next after him one share and a half, the youngers one share each. One-fourth part out of their shares, be given to the maiden (sisters) by brothers. Let him never divide the value of a single goat or sheep or single beast with uncloven hoofs becasue remaining belongs to the eldest son alone after an equal division.[8] An eldest brother who through avarice may

1. Manu. 9, 194-98
2. Ibid., 9, 104-05, 108; 192-95
3. Ibid., 9, 215
4. Ibid., 9, 111
5. Manu. 9, 47
6. Ibid., 9, 156-57
7. Ibid., 9, 112
8. Ibid., 9, 114-19

defraud the younger ones shall no longer hold the position of the eldest; shall not receive an eldest son's additional share, and shall be punished by the king.[1] If a younger brother begets a son on the wife of the elder, the division must then be made equally. The son born of elder wife shall take as his additional share one most excellent bull; the next best bulls shall belong to those who are inferior on account of their mothers.[2] But the eldest son, being born of the eldest wife, shall receive fifteen cows and a bull, the other sons may take share according to the seniority of their mothers. Between sons of wives equal in caste and without any other distinction no seniority in right of the mother exists. Seniority is declared to be according to birth. Among twins also seniority is decided by birth.[3] An appointed daughter is equal to a son. She will take the estate. But whatever may be the separate property of the mother that is the share of the unmarried daughter alone and the son or an appointed daughter shall take the whole estate of his maternal grand-father who leaves no son as well as that of his own father. But if after a daughter has been appointed a son be born to her father, the division of the inheritance must in that case be equal; for there is no right of primogeniture for a woman. In the absence of the son her property will go to her husband. Son or daughter not appointed shall take the estate of his maternal grandfather. There is no difference between a son's son and the son of a daughter. An adopted son shall inherit the property of the man who adopt him but not of the natural father.[4] If there be four wives of a Brahmin in the direct order of the castes, the rule for the division of the estate among the sons born of them is as follows: the slave who tills the field, the bull kep for impregnating cows, the vehicle, the ornaments and the house shall be given as an additional portion to the Brahmin's son and one most excellent share. The son of the Brahmani (wife) take three shares of the remainder of the estate, the

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1. Manu. 9, 213
2. Ibid., 9, 120-23; 145-46
3. Manu. 9, 124-26
4. Ibid., 9, 130-36, 139-42

son of the Kṣatriya two, the son of the Vaiśya a share and a half and the son of the Śūdra may take one share. Or he may make the share of the whole estate and justly distribute them. The Brahmin (son) shall take four shares, the son of the Kṣatriya (wife) three, the son of the Vaiśya shall have two parts, the son of the Śūdra may take one share. Whether a Brahmin have sons or have no sons by wives of the twice-born castes, the heir must according to the law, give to the son of a Śūdra (wife) no more than a tenth part of his estate. The son of a Brahmin, a Kṣatriya and a Vaiśya by a Śūdra (wife) receives no share of the inheritance; whatever his father may give to him that shall be his property.[1]

Manu enumerates twelve sons, of which six are-kinsmen and heirs and six not heirs but kinsmen. The legitimate son of the body, the son begotten on a wife, the son adopted, the son made, the son secretly born and the son cast off are six heirs and kinsmen. The son of an unmarried damsel, the son received with the wife, the son bought, the son begotten of a remarried woman, the son self-given and the son of a Śūdra female, are the six who are not heirs but kinsmen.[2] Among subsidiary sons each better one inherits before the rest.[3] A son who is begotten by a Śūdra on a female slave, or on the female slave of his slave, may, if permitted by his father take a share of the estate.[4] The father shall take the inheritance of a son who leaves no male issue and his brothers.[5]

If the two heirs of one man be a legitimate son of his body and a son begotten on his wife, each of the two sons, to the exclusion of the other, shall take the estate of his natural father. The legitimate son of the body alone shall be the owner of the paternal estate : but in order to avoid harshness, let him allow a maintenance to the rest. When the legitimate son divides the paternal estate, he shall give one-sixth or one-fifth part of his father's property to the son begotten

1. Manu. 9, 148-55
2. Ibid., 9, 158-60
3. Ibid., 8, 165, 184
4. Manu. 9, 179
5. Ibid., 9, 185

on the wife. The legitimate son and the son of the wife share the father's estate; but the other ten become members of the family, and inherit according to their order.[1] In the absence of a heir, the sapiṇḍa will get the estate: afterwards a Sakulya shall be the heir then the spiritual teacher or the pupil. But on the failure of all, Brahmins shall share the estate. The property of a Brahmin must never be taken by a king but of other castes the king may take on failure of all heirs.[2] Even to the daughters of those daughters something should be given as is seemly, out of the estate of their maternal grandmother, on the score of affection.[3] But if two begotten by two different men contend for the property in hand of their mother, each shall take to the exclusion of the other what belonged to his father. After the death of the mother, all the uterine brothers and the uterine sisters shall equally divide the mother's estate.[4]

Shares of the eunuch and others in the property :

Whatever property the eldest son acquires after the death of the father, a share of that shall belong to his younger brothers provided they have made due progress in learning. If all of them are unlearned, the division of that shall be equal. If any brother does not want a share then he may be made separate, receiving a trifle out of his share to live upon. The self-earned money shall not be shared by other brothers.[5]

If the brothers once divided and living again together as coparceners, make a second partition the division shall in that case be equal; in such a case there is no right of primogeniture. If the eldest or the youngest brother is deprived of his share or if either of them dies, his share is not lost to his immediate heirs. His uterine brothers having assembled together, shall equally divide it and those brothers who were reunited with him and the uterine sisters.[6] A son born after partition shall alone take the property of his father or if any

1. Manu. 9, 162-65
2. Ibid., 9, 187-89
3. Ibid., 9, 193
4. Manu. 9, 191-92
5. Ibid., 9, 203-08, 215
6. Ibid. 9, 210-12

of the other son reunited with the father, he shall share with them. A mother shall inherit the property of a son without issue and if she be dead, the paternal grandmother shall take the estate; and if after the debts and assests have been duly distributed according to the rule any property be afterwards discovered one must divide it equally.[1]

Certain rules relating to exclusion from inheritance also occur in the Manusmṛti. The son of wife not appointed to have issue already, the mother of a son, bears to her brother-in-law are both unworthy of a share, the son of adulterer and the other produced through mere lust. Even the male child of a female duly appointed not begotten according to the rule, is unworthy of the paternal estate; for he was procreated by an outcast.[2] If a woman appointed bears a son to her brother-in-law or to another (sapiṇḍa) that begotten through desire, they declare to be incapable of inheriting and to be produced in vain.[3] Eunuchs and outcasts, born blind or dead, the insane, idiots and the dumb, as well as those deficient in any organ, receives no share.[4] A wicked brother shall not receive an eldest son's additional share and shall be punished by the king. Brothers who commit forbidden acts are unworthy of a share of the property.[5]

Modes and ways of punishment :

Manu advocates differential punishments for the various castes: on the whole Manu cannot be accused of either of barbarism or want of equity in regard to dispensation of justice. We see a positive theory of punishment, according to Manu there were four types of punishments i.e. first by gentle admonition, afterwards by severe reproof, thirdly by fine and finally by corporal punishment.[6] The punishments for offences were fines, reprimand, torture inprisonment, capital punishment and banishment. The last was invariably for members of the

1. Manu. 9, 216-18
2. Ibid., 9, 143-44
3. Ibid., 9. 147
4. Manu. 9, 201
5. Ibid., 9, 213-14; 11, 185-86
6. Ibid., 8, 129

Brahmin class.[1] Reprimand was of course for minor crimes. The fines varied according to the caste of the convict.[2] Manu lays down that the award of punishments must be regulated by a consideration of the motive and nature of the offence, the time and place, the strength, age, conduct learning and monetary position of the offenders and by the fact whether offence is repeated.[3] The severity of punishment depended on caste also.

Various ways and means have been devised by the legislator for the punishment of the offenders. They were :

1. Death under various modes,
2. Arrest and imprisonment,
3. Corporal punishment of various degrees,
4. Banishment,
5. Forfeiture of property,
6. Fines,
7. Harsh reproofs,
8. Gentle admonitions,
9. Penances of various kinds.[4]

Death Sentence :

Simple death is prescribed by Manu for those who abet thieves by giving them subsistence, instruments of house breaking or asylum.[5] The lawgiver recommends that a Brahmin should not be sentenced to death or corporal punishment for any offence deserving the death penalty; he should be banished after having his head shaved with a mark appropriate to the grave sin committed by him, might be paraded on an ass.[6] Manu prescribes shaving of the head as a punishment for a woman who pollutes a maiden.[4] But he says that the extreme penalty was to be awarded only if they (Brahmins) performed no penance.[8]

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1. Manu. 8, 379-81
2. Ibid., 8, 138
3. Ibid,. 8, 126
4. Sharan (M.K.) op. cit., p. 194
5. Manu. 8, 37, 366: 9, 27, 276-79
6. Ibid., 8, 125, 380-81
7. Ibid., 8, 370
8. Ibid., 2, 236

The punishment of death was inflicted in the following ways: by drowning in water,[1] by being devoured by dogs in a frequented place,[2] by being burnt on a red hot iron bed, logs being put under it until the offender is burnt to death,[3] by trampling under the feet of an elephant,[4] by being impaled on a pointed stake,[5] by being cut to pieces by sharp razors,[6] by extending himself on a heated iron bed, embracing the red hot image of woman, by being himself cut off his organs and his testicles, and having taken them in his joined hands, the offender is to walk straight towards the south-east until he falls down dead.[7]

Banishment :

On committing a crime, a Brahmin should be made to depart unhurt from the country.[8] The banishment was prescribed for a Brahmin guilty of the gravest offences meriting death sentence.[9] This punishment was also given to him who embazzles the money of a corporation or transgresses the convictions agreed upon by a guild or a village, for playing with false dice.[10]

Corporal punishment :

Corporal punishment assumed various forms according as it was meant to cause only harassment or was carried out by cutting off or destroying a limb or to cause death.

Manu and others prescribe a punishment for causing pain to the body or the loss of a limb and also the expenses of curing the person injured and some compensation to him.[11] The places of corporal punishment in the body were : the private parts, the hands, the eyes, the ears, the belly, the tongue, the feet, the nose and the whole body.[12] The king

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1. Manu. 9, 279
2. Ibid., 8, 371
3. Ibid., 8, 372
4. Ibid., 8, 34
5. Ibid., 9, 276
6. Ibid., 9, 292
7. Manu. 11, 104-05
8. Ibid., 8,1 25
9. Ibid., 9, 241
10. Ibid., 8, 219
11. Ibid., 8, 287
12. Ibid., 8, 125

shall inflict punishment with a whip, a cane or a rope and the like on women, children, men of disordered mind, the poor and the sick.[1] A wife, a son, a slave, a pupil and a younger brother, who have committed faults, may be beaten with a rope or a split bamboo on the back part of the body only and not on a noble part.[2] Sometimes the forehead was branded with particular marks.[3]

Confiscation of property :

Confiscation of property was the punishment for several offences such as the commission of the mahāpātakas by persons other than Brahmins, provided they committed them unnitentionally for perjury, for taking bribes by Sabhyas.[4]

Fines :

A number of fines have been prescribed for convicts. A repetiti n of the crime made them to pay a double fine if again accused within a year.` Repeated intercourse with a Vrātya and Cāṇḍālī entailed double fine.[5] A traveller who had exhausted his provision should not be fined, if he took two stalk of sugarcane or two roots from another's field.[6] No fine should be inflicted for damage done by a cow within ten days after her calving, by bulls and by cattle sacred to gods whether or not there be herdsman to look after them.[7]

Penances :

Penances are religious sanctions. They are various in number. In the case of mortal sins even death is ordained. If the penance is not performed corporal punishment and fines are prescribed in accordance with law.[8] These are generally prescribed in addition to the punishments inflicted by the king. The offender was purified by penances. Manu clearly says that the mark of female private parts for violating

1. Manu. 9, 230
2. Ibid., 8, 299-300
3. Ibid., 9, 237
4. Ibid., 9, 242
5. Manu. 8, 373
6. Ibid., 8, 341
7. Ibid., 8, 242
8. Ibid., 11, 104-05

guru's bed, of a tavern for drinking the liquor called sūrā, a dogs foot for theft, of a headless corpse for Brahmin's murder is to be made on the forehead only if the offender (whether a Brahmin or not) did not perform penance for those grave sins.[1]

Disputes :

The laws of Manu gives a detailed description of rules regarding the settlement of disputes arising from the transgression of owner of cattle and herdsmen, between master and servants,[2] and boundaries. A number of fines are laid down in connection with such disputes.[3]

Miscellaneous Punishments :

A fine of hundred paṇas is laid down for mutual desertion by a sacrificer and an officiating priest, being able to perform his work. Six hundred paṇas is the fine prescribed forsaking a mother, father, a wife, a son without any guilt.[4] A Brahmin who does not invite his next neighbour and his neighbour next but one though both be worthy of the honour, to a festival at which twenty Brahmins are entertained, is liable to a fine of one māṣa. A Śrotriya who does not entertain a virtuous Śrotriya at auspicious festive rites, shall be made to pay him twice the value of the meal and one māṣa of gold as a fine to the king.[5] The king should confiscate the whole property of a trader who out of greed exports goods of which the king has a monopoly or the export of which is forbidden.[6] The king should corporally punish all those who either gamble and bet or afford an opportunity for it, likewise Śūdras who assume the distinctive marks of twice-born men.[7]

Gamblers, dancers and singers, cruel men, men belonging to an heretical sect, those following forbidden occupations

1. Barnes, Study of punishments, p. 62; Manu 9, 236-37
2. Manu. 8, 229-266
3. See chapter on Economic conditions
4. Manu. 8, 388-89
5. Ibid., 8, 392-93
6. Ibid., 8, 299
7. Ibid., 9, 224

and sellers of spirituous liquor, let him instantly banish from the town.[1] The king should confiscate the property of administrators who mar the business of suitors. Those who are forgers of royal edicts, those who corrupt his ministers, those who slay women. infants or Brahmins, and those who serve his enemies, the king shall put to death.[2] The king shall inflict on a base born (Śūdra) who intentionally gives pain to Brahmins, various kinds of corporal punishments which cause terror.[3]

Imprisonment :

Imprisonment was also given in certain cases. It is quite evident from the existence of prisons. According to Manu, king should place all prisons near a high road, where the sufferings and disfigured offenders could be seen.[4] By seeing the fate or plight of the criminals the people will refrain from committing criminal offences.

The titles of law betray an early stage of civilization at which they were framed to represent the entirety of the civil and criminal laws. The lending of money on interest, hiring out of a useful chattel, deposit of an article for safe custody, sale of property without ownership, renumeration for work done by several jointly, recovery of money or goods given for that which is not rendered wages when the work is not done, non-fulfilment of the agreement, rescission of contract of sale after transfer of subject, disputes between herdsmen and cattle owner, confusion of boundaries, assault, defamation, robbery, violence adultery and unchastity, the relation between husband and wife, inheritance, gambling, all taken in norro-west sense, covered every cause of dispute and every form of crime. And for each form of crime laws are provided. After a sophisticated court procedure the culprit was punished. This all shows that at the final delivery of the law, the society had passed from the condition of which the pastoral village is the type, to that of agricultural community in which town life with its industries and vices, had begun its course of growth.

1. Manu. 9, 225-28
2. Ibid., 9, 231-32
3. Manu. 9, 248
4. Ibid., 9, 289

14

The Philosophio-Religious Aspect

The Smṛtis, composed with a view to promote the welfare of all beings, mainly deal with the social and legal problems and thereby lay down elaborate details concerning duties of men occupying different social status as well as regarding the legal matters like the law of inheritance etc. In spite of all this they are also very much ladden with religious and philosophical tenets. The Manusmṛti begins with the description of the creation of the universe and hence a philosophical start of the work. The sixth chapter of the same intents upon laying down the duties of a monk, contains to a considerable extent, the material relating to the doctrine of salvation. Similarly in the last chapter of the work, the philosophical thoughts culminate in such an efficacious manner that the entire chapter is devoted to the exposition of the philosophical topics like the law of Karman, the concept of Self, the three guṇas and means for the attainment of Supreme Bliss. Many of these ideas, relating to the philosophical speculations of early sages, remain scattered through out the Manusmṛti.[1]

The religion inculcated in the Manusmṛti, which lays down rights and duties of all the sections of the society, was in its essential features of an advanced and exalted character.

In the following pages an attempt has been made to highlight some of the philosophical and religious ideas found in the codes of Manu.

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1. Sarda Lata : Philosophical Ideas as found in the Principal Smṛtis, An unpublished thesis, Delhi University, 1974, pp. 12-13

Metaphysics :

The Doctrine of self :

The term 'Metaphysics' is derived from two Greek words 'meta' and 'physica' literally meaning that which is above and beyond the physical and material planes of existence. It is also known as science of being. It is a consideration of what is implied in the fact of experience. Its problem is not one of observing and tabulating the facts of consciousness; it is concerned with what the existence of facts implies regarding the nature of Reality.[1]

The doctrine of Self can best be understood through the explanation of the three terms i.e., Anthropomorphic-polytheism, Monotheism, and Monism. One is tempted to find, at the very outset, anthropomorphic-polytheism in the hymns of the Ṛgveda, that are addressed to numerous deities. This notion also consists in the belief that gods are supernatural and superhuman powers, endowed with spiritual qualities. This is the stage of Anthropomorphic polytheism. The development of the philosophical ideas gave rise to Monotheism. The transitional stage between the two has been referred to by some scholars as henotheism because Vedic seers described every god with such adjectives as could be applied to the Supreme God alone.[2] Different gods are different manifestations of one and only one God. The concept of Ṛta gave much support to the establishment of the doctrine of Monotheism which propounds that there is only one God. Hereafter arises a querry, as to who that Supreme God is ? And the same leads us to the stage of monism, that speaks of one Reality conceived as manifest in diverse ways. There is one Reality; the learned call it by various names as Agni, Yama, Mātriśvān and, the like.[3] In India, they reached monism, not through monotheism, but through a more staunch philosopical pattern, viewing, not through the veil of the plurality, the

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1. Radhakrishnan (S), Indian Philosophy, Vol. 2, p. 475
2. Kaegi : The Ṛgveda, p. 33
3. R.V. 1, 164, 46. Ekaṁ sad viprāḥ bahudhā vadanti Agniṁ Yamaṁ Matriśvānaṁ āhuḥ

unity that underlies it. The one Reality is known as the Puruṣa, and this Puruṣa is all that is, all that was, and all that shall be.[1]

The terms Ātman and Brahman frequently occur in the Smṛtis but without any differenciation. The conotation of these terms, based on different etymologies may be taken, in this context, into consideration first of all.

The word Ātman originally meant the breath and then gradually acquired the meaning of feeling, mind, soul and spirit. Ācārya Śanataka quotes a verse from the Liṅgapurāṇa, "Ātman means that which pervades all; which is subject and which knows, experiences and illuminates the objects; and which remains, immortal and always the same."[2]

Etymology given by the Bṛhadāraṇyaka Upaniṣad for Brahman is "It is their Brahman for it supports (Bibhrati) all names."[3] The identity of Ātman and Brahman is emphasised in the Smṛti. Thus Manu says "some call Agni (Fire), others Manu, the Lord of creatures, others Indra, others vital air and again others eternal Brahman." Again one should know the Supreme Male (Puruṣa) the sovereign ruler of them all smaller even than the small, bright like gold and perceptible by the intelligent only (when) in (a state of) dream (like abstraction).[4] Brahman is the creator, preserver and destroyer of the universe. The essential nature of Brahman is thus described by Manu, "He who can be perceived by internal organ (alone) who is subtile, indiscernible and eternal, who contains all created beings and is inconceivable, shone forth of his own (will)."[5] Brahman is an immanent principle. The universal self is infinite in expansion and exists everywhere in the universe. Brahman is also beginningless and eternal and self luminous. The birth and death of the soul are metaphorical.[6]

The Self envelops all things both real and unreal.[7] The Self alone is multitude of gods, the universe rests on the Self.

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1. Ṛ.V.X. 90, 2, Puruṣa evedaṁ sarvaṁ yad bhutaṁ yacca bavyam
2. Liṅgapurāṇa. 1.70.69
3. Bṛh. Up. I. 6.1
4. Manu. 12, 122-23
5. Manu. 1.7
6. Ibid., See Medhātithi's comments on 1.7
7. Ibid., 12, 118

The Self produced the connection of these embodied spirits with actions. Brahman pervades all created beings in the five forms and constantly makes them by means of birth, growth, and decay, revolves like the wheels of a chariot.[1] Manu refers to witness self who witnesses all virtuous acts and all crimes ever residing in one's heart.[2] He who recognises the Self through the Self in all created beings, becomes equal minded towards all and enters the highest state Brahman.[3] The expression 'sovereign ruler of them all' refers to all pervasive nature of the Self and so he is also known as antaryāmin.[4] The law-giver also identifies Ātman with different gods like Yama, Agni, Indra and Vāyu.[5]

'Om' is imperishable and is Brahman,[6] so one should meditate upon it for salvation. Teaching is the sacrifice offered to Brahman.[7] Bali was offered to Brahman in the centre of the house.[8] The teacher is described as the lord of the world of Brahman.[9] By the practice of meditation the ascetic attains the eternal Brahman.[10] Punishment is described as the son of Brahman.[11] The knower of the Veda becomes fit for the union with Brahman.[12]

The knowledge of supreme soul leads to final liberation. The study of the Upaniṣads is a must for the union with the Brahman.[13] He who is not proficient in the knowledge of that which refers to the soul reaps not the full reward of the performance of rites.[14] Studying the Veda, (practising) austerities, (the acquisition of true) knowledge, the subjugation of the organs, abstention from doing injury and serving the guru are the best means for attaining supreme bliss.[15] The knowledge of the soul is stated to be the most excellent among all of them, for that is the first of all sciences, and also because immortality is gained through that.[16] He who sacrifices to the self (alone)

1. Manu. 12, 124
2. Ibid., 8, 91
3. Ibid., 12, 125
4. Medhātithi on 12, 122-24
5. Manu. 8, 92; 12, 123
6. Ibid., 2, 81-84
7. Ibid., 3, 70
8. Ibid.' 3, 89
9. Manu. 4, 180, 260; 6, 32
10. Ibid., 6, 79, 81-85
11. Ibid., 7, 14
12. Ibid., 12, 102
13. Ibid., 6, 29
14. Ibid., 6, 82-84
15. Ibid., 12, 83
16. Ibid., 12, 85

equally recognising the Self in all created beings and all created beings in the Self becomes independent like an autocrat and self luminous.[1] One should concentrate his mind on him fully, recognise in the Self all things, both the real and unreal. Austerity and sacred learning are the best means by which a Brahmin secures supreme bliss; by austerities, he destroys guilt, by sacred learning, he obtains the cessation of births and deaths.[2]

Manu believes in three means of attaining knowledge viz. perception, inference and sacred institutes which comprise the tradition of many schools. Through these pramāṇas one should attain the true knowledge, the destroyer of the circle of births and deaths, and giver of supreme bliss. These pramāṇas must also be understood by a person who desires perfect correctness with respect to the sacred law. While deciding a case a judge should take into account these three kinds of evidences.[3]

The Self:

The laws of Manu alludes to three selves viz. Jīvātman, Kṣetrajña and Bhūtātman.

The Jīvātman (individual soul) is different from the universal soul on account of its direct relation with the body. When a part of the universal Self becomes the inner spirit of an individual, it is called Jīvātman (individual soul). This individual soul animates the inanimates as Manu points out, "Another internal self that is generated with all embodied (kṣetrajñas) is called jīva, through which (the Ksetrajña) becomes sensible of all pleasures and pains in successive births."[1] This means that the inanimate body gains consciousness by the presence of soul in it and thereby undergoes the pleasurable as well as painful experiences. Manu further adds that the individual soul having endured those torments of Yama again enters, free from taint, those very five elements each in due proportion. The enterance in five elements suggests taking of a new body in case of Jīvātman. These trans-

1. Manu. 12, 91-92.
2. Ibid., 12. 118-25
3. Manu. 12, 105
4. Ibid., 12, 13

tions of the individual soul depended on merit and demerit.[1] The individual soul departs from the body at the time of death and enters into another womb for its new birth. It wanders through ten thousand millions of existences.[2] The progress of the individual soul through beings of various kinds, could be known by the practice of meditation. Unregenerated men cannot understand this progress.[3] The subtile body is constituted. Tam in this verse stands for the subtile body (mahat or jīva) and the Jīva conditioned by the subtile body (liṅga-jīva).[4] Again suffering punishment for doing good and bad acts and enjoying happiness and misery are assuredly characteristic features of Jīva. It is explicitly stated that the vicissitudes described here are of Jīva.[5]

Jīva does acts good and bad, enjoys pleasure and pain consequent upon his actions, possesses one or the other body, inhabits and presides over the body and every time he dies, undergoes punishment for his unholy conduct and animates a fresh body.[6] The Advaita conceives Jīva as a complex whole constituted of the Self (intelligence), mind, senses, the five subtile elements and gross body; he is the enjoyer of acts and their produce and presides over the body. There is hardly any difference between the Jīva of Manu and that of Advaita Vedānta. Manu analyses the Jīva into its constituents and traces the various activities of the Jīva to the agency of their respective constituents and also their mutual relationship. Three components of dehin (the dweller of body), viz. Kṣetrajña, Bhūtātman and Jīva (antarātman) are mentioned and defined too.[7] The individual soul pervades the body and the supreme soul pervades the individual soul.[8]

Kṣetrajña :

Another Self of which Manu speaks, is Kṣetrajña. It is described as the impeller of this corporal self to action. The

1. Manu. 12, 22-23
2. Ibid., 6, 63
3. Ibid., 6, 73
4. Swaminathan (S) Loc. cit., p. 404
5. Manu. 12, 18-22
6. Kaṭhopaniṣad. I. 3, 4
7. Swaminathan (S), op. cit., pp. 407-08
8. Bühler, Laws of Manu, p. 487

term Kṣetrajña literally means 'the knower of the field.' The Ātman is called Kṣetrajña.[1] The word Kṣetrajña very frequently occurs in the Mahābhārata and the Purāṇas, in the sense of Jīva. Śankara also employs the word profusely in his bhāṣyas with the same significance.[2] He says that the body of being is called kṣetrajña either because it is saved from destruction to which it is prone, or because it perishes, or because in it one reaps the good and bad fruits of his karman, as in a field.[3] In the famous Kṣetrajña adhyāya of the Gītā the lord uses the word in the same denotation.[4] Kṣetra comprises the entire universe of inert matter including the mind, senses and the body and the one who cherishes the notion that he is the owner of the Kṣetra is Kṣetrajña i.e., Jīva.[5] The sages designate that discerning principle as Kṣetrajña. It is the inner controller as it brings about the connection of the embodied being with actions.[6] Kullūka also explains it as the omniscient inner controller.[7] In the present context it is not possible to interpret Kṣetrajña as Jīva. The analysis of Jīva (dehin) clearly shows that Jīva is a complex of three elements viz., Kṣetrajña, Manas and Bhūtātman. As such to take Kṣetrajñas as Jīva will tantamount to identifying the part with the whole i.e., Kṣetrajña (one of the constituents) with Jīva (the complex whole). The Mahābhārata sometimes denotes the antaryāmin or Īśvara by the term Kṣetrajña.[8]

The meaning of Kṣetrajña also does not look apt here. Jīva is said to remain as Kṣetrajña and his acts, sacred and sacrilegious are perceived by Kṣetrajña in conjunction with means (Mahat). Neither the wicked man could be Īśvara by merely suffering punishments for his sinful acts nor does Īśvara perceives things in conjunction with manas, since he is omniscient. He neither possesses a mind of his own nor does require the help of a Jīva's mind.[9] Sometimes Kṣetrajña

1. Manu. 12, 12
2. Śankara : Śārīraka Bhāṣya, I. 3, 7
3. Śankara's Bhāṣya on Gītā XVIII, 1
4. Bhagavadgītā, XIII. I
5. Bhagvadgītā, XIII. 5-6
6. Manu. 12, 119
7. Kullūka on Manu. 8, 96
8. Mabh. XII. 351, 3-6
9. Swaminathan (S) Loc., Cit., p. 413

signifies the pure unqualified Being (Paramātman) also.[1] This sense also is of little help here. For one cannot by merely suffering punishments levied by Yama, return to the Supreme Being. The knowledge of the Self is the only road that leads one to Brahman. Further Brahman is devoid of action (niṣkriya) and so its possibility of seeing the acts of Jīva is completely[2] ruled out.

While praising the truthfulness of one who bears witness in a court of law, Manu refers to the word Kṣetrajña.[3] Here Kṣetrajña is clearly spoken of as different from one (jīva) who speaks. Suspicion is a quality of the mind and the one who cognises his suspicion is therefore the sākṣin to be distinguished from the one who speaks, the Jīva. In the Mahābhārata Kṣetrajña is explicitly characterised as the sākṣin dwelling within the heart of the Jīva.[4] Again Manu distinguishes one's own inner self from the one who commits sin. One's own inner self mentioned here is evidently the sākṣin. Sākṣin is an impartible, homogeneous and simple whole of the nature of pure intelligence conditioned by manas where as Jīva is a complex whole of intelligence and matter.[5] The other attribute of the Kṣetrajña viz. that he is the impeller of the body, also points to the same conclusion. When dissociated from the self, the body and the senses cease to function. The self is impeller in the sense that its mere presence causes the body and the senses to act.[6]

Bhūtātman :

Bhūtātman is one who performs acts. The body is the doer of acts. There are two kinds of bodies, viz., visible body (Sthūla-Śarīra)[7] and the invisible body (Sūkṣma-śarīra).[8] The visible body or Bhūtātman is formed by five gross elements like the sky, the earth, the sun and the water.[9] Attempting

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1. Brahmopaniṣad. I
2. Swaminathan. Loc. cit., p. 413
3. Manu. 8, 96
4. Mahābh. I. 74-31
5. Manu. 8, 85
6. Bṛ. Up. III. 4.1
7. Manu. 12, 12
8. Ibid., 12, 13
9. Ibid., 1.6, 75-78; 12, 16

an etymology of the word śarīra Manu lays down "Because those six (kinds of) minute particles which form the (creator's) frame, enter (āṣri) these (creator's), therefore, the wise call his frame śarīra (the body)."[1] The body of Hiraṇyagarbha is called śarīra, because it enters (śrayati) all beings by means of its portions, being (their) material cause; but it is not destroyed (śīryate) like a common body. Nandan thinks, therefore, that the punning explanation of the word śarīra from ṣad āśri or śri, is given in order to show that the other etymology, which derives it from śri 'to destroy' is not applicable to the body of Brahman. Medhātithi, Govindarāja and Kullūka take the above referred verse very differently. They agree in supporting that the body is called śarīra, because the six elements mentioned enter into or produced the gross elements and the organs. According to Medhātithi the translation of the verse would be, 'Because the six (kinds of) minute particles producing the body enter into (being their cause) or produce these (i.e. because egoism, before mentioned organs and the subtile elements enter the gross elements), therefore the wise call the body, which is the visible shape of that (Pradhāna) Śarīra.[2] Rāghavānanda explains it like this: 'Because the six kinds of fine particles constituting the subtile frame of that (Hiraṇyagarbha i.e. the mind and the rest) enter these (gross bodies so their place of enjoyment), therefore, the wise call the visible frame of that (i.e. of individual soul) the Śarīra.[3]

As the body is composed of the five elements (bhūtas) and as it is indispensable for the self in carrying out its worldly mission (i.e. enjoyment of pleasure and pain) it is significantly referred to by the word bhūtātman.[4] According to Śankara bhūtātman denotes the body by secondary implication.[5] Patañjali also uses the word Śarīrātman in the sense of body.[6] As bhūtātman is the doer, it is to be understood that Ātman is none other than bhūtātman, i.e. body. Usages of Ātman in this sense, without any attribute, is not of rare occurrence in

1. Manu. 1, 17
2. Medhātithi and others on Manu. I. 17
3. Rāghavānanda on Manu. 1. 17
4. Swaminathan, Loc. cit., p. 408
5. Śankara, Sārīraka-bhāṣya, I. 1.7
6. Patañjali, Mahābhāṣya, I, 3, 67

the Upaniṣads.[1] Thus Bhūtātman and Ātman refer to the same entity, i.e. body. Manu declares that the body is cleansed by water, the internal organ is purified by truthfulness, the individual soul by sacred learning and austerities, the intellect by knowledge.[2] Originally the word Bhūtātman signified the bodily self comprising of those constituents of body that persisted throughout transmigration. But later on, it came to represent the Jīvātman. The Chāndogya Upaniṣad also speaks of bodily-self, empirical-self and transcedental-self[3] which could very easily be taken as Bhūtātman, Jīva and Kṣetrajña, referred to by Manu.

Manu considers Jīva as a complex constituted of three entities self (Kṣetrajña), body (bhūtātman) and manas, (Jīva) and that he is the agent of cognising, doing and enjoying. He has intentionally dropped the subtile body (linga-śarīra), the constituents of Jīva, as its mention would serve no purpose in the present context. The subtile body has no connection what so ever with the agency of cognising, doing, and enjoying. The gross body on the other hand is the agent of doing and enjoying. Jīva's characterisation as doer and enjoyer, therefore, becomes intelligible only if the gross body enters into the constitution of jīva.[4] In fact Bṛhadāraṇyaka-Upaniṣad declares that Jīva is incomplete without the body (gross).[5] It follows that the gross body is an essential constituent of the Jīva. There is no justification for the commentators to equate Kṣetrajña with Jīva and to take both as a composite of the self and the subtile body excluding totally the gross body. The word dehin also indicates that Manu thinks the gross body as an indispensable component of Jīva. The subtile body is not competent to do and enjoy and that is why the Jīva is endowed with the gross body.[6]

Guṇas :

Falling in line with the Indian philosophical traditions,

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1. Bṛ. Up. I. 4.17; 6.3; Kaṭh. Up. I. 3.4
2. Manu. 5, 109
3. Chā. Up. 8, 7-12
4. Swaminathan, Loc. cit., p. 415
5. Bṛ. Up. I. 4, 17
6. Swāminathan, Loc. cit., p. 415

Manu also enumerates the three qualities of the Self with which the Great one always completely pervades all existences.[1] They are Sattva (goodness), Rajas (activity) and Tamas (darkness). Kullūka, Rāghavānanda, Nārada and Nandan interpret the word 'of the Self' as 'of the mahat'. Nārada and Nandan explain it as the Sāṅkhya principle called Mahat. Medhātithi arrives at the same conclusion after somewhat longer discussion.[2] According to Manu, when one of these qualities wholly predominates in a body, then it makes the embodied soul eminently distinguished for that quality. Knowledge is the form of Sattva (goodness) ignorance of Tamas (darkness), and love and hatred of Rajas (activity). Such is the nature of these (three) which is all pervading and cling to everything created. Through the predominance of Sattva a man experiences in his soul a feeling full of bliss, a deep calm, as it were, and pure light. Through the predominance of Rajas, embodied souls are drawn 'towards sensual objects.' Such souls do not get satisfaction and experience pain. What is coupled with delusion, what has the character of undiscernible mass, what cannot be fathomed by reasoning, what cannot be fully known, one must consider as the quality of Tamas.

The marks of Sattva (goodness) are, the study of the Vedas, austerity, knowledge, purity, control over the organs, the performance of meritorious acts and meditation on the soul. The marks of the quality of Rajas are, delight in undertakings, want of firmness, commission of sinful acts and continual indulgence in sensual pleasure. The quality known as Tamas is characterised by covetousness, sleepiness, pusillanimity, cruelty, atheism, leading evil life, a habit of soliciting favours and inattentiveness.[3] When a man having done, doings or being about to do an act feels ashamed, then such acts should be taken as possessing the marks of the quality of darkness. But when one desires to gain by an act much fame in this world and feels no sorrow on failing, know that it bears the mark of the

1. Manu. 12, 24
2. Kullūka etc., on Manu. 12, 24
3. Manu. 12, 25-33

quality of activity. When with his whole heart one desires to obtain knowledge and when performing a certain act his soul does not feel ashamed know that it bears the mark of the quality of goodness. The cravings after sensual pleasures are declared to be the mark of darkness, the pursuit of wealth to be the mark of activity, the desire to gain spiritual merit the mark of goodness, each later is better than the preceding one.

On these three qualities depend the states of gods, of men, and of beasts. This is the three-fold course of transmigration.[1] This course of transmigration is again divided into three viz., low, middling and high.

The Different states of self :

According to Vedānta philosophy, Īśvara and Jīva both consists of the Upādhi of ajñāna. So they attain three states viz. Suṣupti, Svapna and Jāgaraṇa. Pralaya is the Suṣupti state of the Īśvara. When as a result of the creation of subtile elements, the subtile bodies are born then exists the Svapna state of the Īśvara. In this state he is called Hiraṇyagarbha, Sūtrātmā or Brahmā. The third state is represented by the origin of gross bodies from the combination of subtile elements. In this state he is called Virāṭa and Vaiśvanara.[2] The states of Svapna and of Jāgaraṇa are described by Manu in these words, "when that divine one wakes then the world stires; when he slumbers in tranquility, then the Universe sinks to sleep." In another verse Manu refers to the state of dissolution.[3]

The Māṇḍūkya Upaniṣad describes the three stages of the Jīva with the corresponding names, viz., the waking state (Jāgaraṇa), when it is named Viśva; the dream state (Svapna), when it is called Taijasa; and the state of dreamless sleep (Suṣupti), when it is termed Prājña. In the last state the Jīva remains, temporarily, in a state of unity with Brahman but covered with ignorance. Beyond these three states is the transcendental state of Turīya, when the Jīva free from all ignorance, realizes identity with Brahman.

1. Manu. 12, 36-40
2. Srivastava (S.N.): Vedāntasāra, pp. 48-49
3. Manu. 1, 52-53

In the waking state the Jīva is cognisant of the gross objects. In the dream state the gross objects are dissolved into the subtile and he is aware only of the subtile. In dreamless sleep the gross as well as the subtile objects are absorbed into the ultimate cause. Therefore the state of dreamless sleep has been described as the state of ultimate absorption or dissolution. In dreamless sleep the Jīva becomes united with Īśvara.

In the state of dreamless sleep we actually experience something. This something is not the mere negation of misery and knowledge, as one may suppose from the statement which a man awakening from deep-sleep often makes "I did not know anything." As a matter of fact, one preceives the positive entities, the bliss of the Ātman and ignorance itself in Suśupti.[1]

Types of Bodies :

Manu refers to four types of gross bodies viz. Jarāyuja (born of womb), Aṇḍaja (born from egg), Svedaja (born of moisture), and Udbhija. In the first category comes cattle, deer carnivorous beasts with two rows of teeth, Rākṣasas, Piśācas and men. In the second type fell birds, snakes, crocodiles etc. The third type consisted of stinging and biting insects, lice, flies, bugs and all other creatures of that kind.[2] Trees, plants, guccha, gulma, creepers and vegetables belong to fourth category. All these bodies are described as perishable. These bodies come into existence from a combination of the five gross elements, viz., the sky, the earth, the wind, the sun, and the water. The sound, the smell, the touch, the colour, the taste are respectively the qualities of the five gross elements.[3] The bodies contain five sense organs of actions (Karmendriyas), five sense organs of knowledge (Jñānendriyas) and internal organ (Manas). The five sense organs of knowledge are the ears, the skin, the eyes, the tongue and the nose. The organs of actions are the anus, the organ

1. Swami Nikhilananda, Vedāntasāra, p. 33-35
2. Manu. I. 43-46
3. Ibid., 1.6, 75-78; 12,16

of generation, hands and feet, and organ of speech as the tenth. The internal organ is the eleventh and belongs to both sets of sense organs due to its quality. If somebody subdues the internal organ, he conquers both sets of five. He who conquers these sense organs will obtain success in gaining all his aims. Through these, one obtains knowledge of the worldly objects and too much attachments of these organs of knowledge to sensual pleasures brings demerit. These organs of knowledge can be restrained by the knowledge of the Brahman.

The mind is described as the most powerful of all these senses. Only by subduing it both those sets of five have been conquered.[1]

Cosmogony:

Manu at once proceeds to explain[2] the creation of the world commencing with a description of the nature of God, then narrating the production or manifestation in a corporeal form of Brahmā, who first made the heaven above and the earth beneath; and afterwards the great soul, consciousness, and the five perceptions—smelling, hearing, seeing, feeling and tasting altogether seven divine principles.[3] He declares that Brahmā designed all creatures, distinct names, distinct acts, and distinct occupations, as they have been revealed in the pre-existing Veda.[4] Then he milked out the three primodial Vedas from fire, air and the sun; gave divisions to time, distinguished between right and wrong and assigned to every vital soul occupation and quality[5] which remained to it for ever through all former of existences.

Brahmā having created all creatures and him (Manu) absorbed in the Supreme Spirit Brahman, enacted the codes of laws and taught it to him, that he (Manu) taught to Bhṛgu and he in turn repeated it to other sages.

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1. Manu. 2, 89-95
2. Ibid., I. 5
3. Ibid., I. 19
4. Manu. 1, 21
5. Ibid., 1, 87

Bhṛgu gives a fresh account[1] of creation and natural philosophy in which is manifested some knowledge of the revolution of the moon and of the earth. A curious speculation on the relation between ether the cause of sound, air the cause of scents and touch, light, water and earth follows it.

The contrivance thus adopted for giving an ante-creation authority to the law, makes out that it is the word of god dating from before all times and is not without ingenuity. But both Manu and Bhṛgu betray relatively modern character of their stand-point by appealing to the authority of the wise,[2] and by recognising the validity of good usages based on immemorial customs.[3]

But it is pointed out by some that this description of the theories of creation is irrelevant because the sages asked only about Dharma from Manu. Defending Manu, Medhātithi explains that this shows the extensive scope of the treatise. Kullūka justifies it by saying that the account of creation which belongs to the knowledge of supreme soul is part of the sacred law and hence properly finds its place here.[4] The Brahmasūtra also begins with the description of the origin of the world instead of the Brahman.[5]

According to Manu in the beginning this universe existed in darkness imperceptible, undefinable, undiscoverable, undiscovered as it were wholly immersed in sleep. Then the self-existing power, himself unmanifested but making this world manifested, with five elements and other principles appeared with undiminished splendour dispelling the gloom. Even the soul of all beings whom no being can comprehend, shone forth in person.[6] Manu has developed the concept of 'unmanifested hiding every thing in dense darkness' from the Nāsadīya hymn of the Ṛgveda.[7] The creation of waters in the first place also shows the influence of this hymn which states—The cosmos was enveloped in the primeval waters. Prof. Aggarwal observes,

1. Manu. 1. 58-60
2. Ibid., 2, 6
3. Ibid., 12, 18
4. Medhātithi and Kullūka, on Manu. 1, 5
5. Bādarāyaṇa, Brahmasūtra. I. 2
6. Manu. 1, 5-6
7. R.V. X. 129.3

"The waters represent the principle of rest in which matter existed in a state of equilibrium and as an amophus mass. Out of that unmanifest state of darkness and static inertia proceeds the principle of motion and light which is symbolized as Agni."[1] By the great power of warmth (tapas) was born that one (lord), then the desire for creation arose in the mind of Brahman and this was the seed of all creation. The notion of creation by mere will finds its development in the upaniṣads which say, "He desired, let me become many."[2] Having thus stated the creation of the universe from the will of Brahman, the hymn finally arrives at the conclusion that none can solve the mystery of the universe. Only the creator knows of it. Here the metaphysical outlook is monistic.[3]

All the commentators except Rāghavānanda take the expression Tamas (darkness) occurring in the fifth verse of the first chapter of Manu, as standing for Mūla Prakṛti. Kullūka says that just as the objects lying concealed in darkness are not perceived, so also the Bhāvas lying in Prakṛit in latent form are uncognizable.[4] Aniruddha in Sāṅkhyasūtra vṛtti says, "Although Prakṛti is the state of equipose of the three guṇas, still the word Prakṛti is also conveniently used to denote any one of these severally. This Prakṛti otherwise called Pradhāna, has been thus described in one of the standard texts on Indian philosophy, the first cause of the universe, is thus one and complex; and its complexity is result of its being constituted of three factors each of which is described as guṇa."[5] Manu describes it in terms of distinctive marks and as unknowable even by reasoning.

In order to preclude the possibility of the world's originating from non-being, the code adds 'prasuptamiva sarvataḥ.' Commenting on this Medhātithi says that as a matter of fact the existent can never come out from non-existent; it has

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1. Aggarwal (V.S.). Sparks from the Vedic Fire, pp. 64-65
2. Ch. Up. 6, 2, 3
3. Basu (J.), op.cit., pp. 226-27
4. Medhātithi and Kullūka etc., on I. 5
5. Hiriyana : The Essentials of Indian Philosophy, p. 108

also been declared in the Upaniṣad that this was in the beginning existent. How could the existent be born from non-existent ?[1] Here he seems to favour the Sāṁkhya doctrine of Satkāryavāda according to which the effect exists prior to its production. All the material effects pre-exist in Brahman, in unmanifest form and are manifested at the time of creation.

Rāghvānanda takes the word Tamas occurring in the Manusmṛti, I.5. as equivalent for Avidyā or Māyā which is the power of the Brahman. It resembles the Puruṣa of Sāṁkhya in so far as it is depicted as possessing threefold qualities of Sattva, Rajas and Tamas, represented by symbolic colours viz , red, white and black.[2] Inspite of the fact that it is material and unconscious like Prakṛti, it is inseparable from Brahman, the ultimate absolutely real and independent. Rāghāvananda thus gives the vedantic interpretation to the description of Manu.[3] But Manu does not seem to favour any particular system of thought, rather he expresses his doctrines independently. The commentator latter on undertook the task of interpreting his thoughts in the light of a particular system.

At the end of the state of cosmic rest, the divine self-existent (Svayaṁbhū) himself indiscernible, but making all this, the great elements and the rest, discernible appeared with irresistible (creative power), dispelling the darkness. Medhātithi interprets 'self-existent' as primodial matter (Prakṛti). It is 'self-born' because it evolves by itself in the form of Mahat and the rest. It is called 'Bhagavān' since it is master of its own activities. The expression 'Mahābhūtādi vṛttaujāḥ', suggests that it operates under elemental substances and the other things. It is also described as 'dispelling darkness', in the sense that when primodial matter changes from its non-evolvent condition into the evolvent one, it becomes resplendent with light.

The self-existent while appearing also bring into light the subtile elements otherwise known as Tanmātrās.[4] These are five

1. Medhātithi and Kullūka on Manu. 1, 5
2. Svet. Up. 4, 3
3. Rāghvānanda on Manu. I. 5
4. Manu. 1.6 and Medhātithi on this verse.

in number ākāśa, vāyu, jala, teja, pṛthvī. They are responsible for the creation of sense organs and five great elements which in their turn gave rise to multiple objects.[1]

The self-existent has been described as beyond the senses, subtile, unmanifested, absorbed in all created beings.[2] Medhātithi refers to the vedantic concept of vivarta while explaining 'sarvabhūtātmā'; the conscious as well as unconscious objects have no independent existence apart from Him because of these illusory modifications. All created beings are, His illusory modifications, hence he is rightly described as consisting of all beings.[3]

Medhātithi suggests that the desire to become many on the part of Prakṛti is purely figurative and it implies that in the process of evolution the primodial matter acts by its own inherent force independent of will of a Supreme being. Kullūka says Manu does not seem to favour Sāṅkhya view because he speaks of creation preceded by contemplation. And the Prakṛti of Sāṅkhya is unconscious and unintelligent. So we cannot ascribe the act of contemplation to her. The view of tridaṇḍa Vedāntins is reflected here, according to which Brahman himself is the cause of the world through avyakta, which is his power.[4] The creator desired to create manifold beings out of his own body which implies that he possessed two-fold causality. According to non-dualistic Vedānta, Brahman associated with māyā is the cause of this universe. From the stand-point of Māyā, Brahman is material cause of the universe and as pure consciousness, he is the efficient cause. That two-fold causality belongs to Brahman also. It is confirmed by śruti which says, "That desired he may become many." The first half declares the efficient causality and the second half speaks of material causality.[5]

The waters were created through contemplation by Brahman in the beginning. But Medhātithi holds that the water is called first only in comparison with other elements or substances. We should not think that waters were produced earlier

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1. Tai. Saṁ. IV. 3.11.2
2. Manu. 1, 7
3. Medhātithi on 1.7
4. Medhātithi on 1.8
5. Sadananda, Vedāntasāra, para 17

than Mahat and other elements.[1] The idea of primeval waters containing the germs of creation has undoubtedly been suggested by seminal fluid containing the germ of life. The waters which were first created, were also called Nārāḥ. Manu declares, "The waters are called nārāḥ (for) the waters are, indeed, the offspring of Nara; as they were his first residence (ayana), he thence is named Nārāyaṇa." These cosmic waters which produced the golden egg, are described by Manu as the cause of the world. In these waters Brahmā cast his seed in the form of creative power. That seed became a golden egg equal to the sun in brilliancy.[2] The word golden denotes purity. According to Medhātithi the epithet 'golden' is used in a figurative sense because later on earth and heaven are said to be born from the egg are not gold.[3] As regards the material cause of the golden egg, there is no one universally accepted view. According to Manu the seed of Brahman formed the egg. The philosophical system of Kaṇâda says that the atoms of earth and those of fire are the composite elements of the cosmic egg.[4] The Sāṁkhya system takes the seed in the form of earth as the Upādāna-kāraṇa of the golden egg.[5]

In that golden egg he was born himself, Brahmā, the greatforefather of all spirits.[6] According to Medhātithi Brahmā is Hiraṇyagarbha himself by reason of his residing in the embryo in the shape of golden egg. He had originally assumed a body by the yogic powers, he gave up that body and entered within egg. Another explanation of this could be that when he produced the waters, he had no body and therefore he took up a body within egg.[7] From that was produced the divine male famed in all the world under the name of Brahmā.[8]

In this description Manu popounds that God, the author (Manu) and origin of all things is to be conceived of as the great first cause, a spiritual being, self-existent, alone from eternity,

1. Medhātithi on Manu. 1, 8
2. Manu. 1, 9-10
3. Medhātithi on Manu. I. 9
4. Praśastapāda Bhāṣya, p. 34
5. Sāṅkhya Sāra, p. 310
6. Manu. 1, 8-9
7. Medhātithi on the above verses.
8. Manu. 1, 11

without form or parts, incomprehensible and unknowable to man, and that in him the universe was involved as it was an idea, before it was caused by himself to be a manifested reality.

Brahmā, for which reason he is sometimes termed Nārāyaṇa[1] i.e., according to Kullūka gloss "the spirit of god moving in the waters after passing a year in the waters proceeded with the work of creation, in a course which seems, at first limited to the production of creation, abstract principles, perhaps germs of a metaphysical and moral kind. He then gives the description of the origin of the Manas, the Ahṁkāra and the Mahat. This description can be taken as alluding to the origin of these three elements from Prakṛti in Sāṅkhya system of Indian philosophy. But Manu does not follow the order of enumeration as given in the Sāṅkhya system.[2]

Manu says that Brahmā assigns to all creatures distinct acts and distinct names, occupations, as they had been revealed in the pre-existing Veda, without any mention of either the creatures themselves or the Vedas. After this he goes on to describe the origin of the Vedas from fire, air and sun for the performance of the sacrifice. Then Brahmā produced time and divisions of time, stars, rivers, oceans, planets, mountains, level planes and uneven valleys. Then follows the establishment by Brahmā of some of the metaphysical principles and moral qualities.[3] Finally, with the intention that the human race might be multiplied he caused the Brahmin, though Manu clearly states that[4] the creator drew the manas (which Medhātithi, Govindarāja, Kullūka etc. take to mean the internal organ) from the ātman (i.e. according to Medhātithi and Govindarāja from the pradhāna, which is his own shape), or according to Govindarāja, Kullūka and Rāghavānanda from the Paramātman, the supreme soul or according to another explanation of Rāghavānanda, from himself, that he drew the Ahaṁkāra egoism, from the Manas and that he afterwards

1. Manu. 1, 10
2. Ibid., 1, 12-15
3. Manu. 1, 21-25
4. Ibid., 1, 14

created the *mahānataṃ* ātmānam, 'the great one, the soul'; (i.e., according to Medhātithi which is called the soul because like the soul it is found in all bodies or according to Kullūka the Mahat which is called the soul because it is produced from the soul or is useful to the soul), yet they think that it must be understood that the Mahat was produced first, from it the Ahaṁkāra and from the latter the Manas.[1] But Nandīkeśvara holds that the first created Manas is another name for the principle usually called Mahat. In proof of this assertion Nandikeśvara adduces a passage from a purāṇa which Medhātithi quotes on seventyfourth verse where Manas is given a synonym of Mahat. He further takes Mahānatam ātmānam, the great one, the soul, to denote Manas or internal organ. According to this commentator the object of the two verses (14 and 15) is not to give an account of the actual order of creation but to show that the material cause of all created beings consists of portions of creator's body of the Ahaṁkāra, the Manas, the Tanmātrās and the organ of sensation and action which belong to him[2] It would seem that Nandikeśwara, as regards the explanation of Manas (verse 14), is correct, but it may be doubted whether with respect to the terms in verse 15, mahānatmā and Sarvāṇi triguṇāṇi, has been equally lucky. The explanation of first four commentators seems altogether inadmissible. It may be stated that Nandikeśwara gives the most acceptable explanation of the epithet of the Manas 'sadasadātmakam' which he says means partaking of the nature of an evolvent and of an evolute and of iśvaram, lordly, which causes all actions to be done.[3]

The sense organs,[4] the five gross elements,[5] the four types of gross bodies[6] and the supernatural phenomena all—were created by Brahmā,[7] the Brahmin, the Kṣatriya, and the Śūdra proceeded from his mouth, arms, thighs and feet,[8] and this having

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1. Medhātithi, Kullūka, Govindarāja and Rāghavānanda on the above verse. Bühler, op. cit., Vol. 25 (S.B.E) p. 7
2: Nandikeśwara on Manu. I, 14-15
3. Bühler, S.B.E. Vol. 25, p. 7-8
4. Manu. 2, 90-92
5. Ibid., 1, 75-78
6. Ibid., 1, 43-46; 12, 9
7. Ibid., 1, 23, 37-38
8. Ibid., I, 87

been effected, he brought about the production from himself of Manu, the framer of this world.[1]

Manu gives the account of the creation thrice and the possible hypothesis for its justification may be that the first account refers to the very first creation of Brahman. The second gives the account of creation after the dissolution (Mahāpralaya) and lastly the creation theory, speaking of mind, impelled by Brahman, as the agent of creation, may be accommodated dissolution (avāntarapralaya) in which case the destruction of the three worlds only takes place (bhurādiloka-tranyamātranaśaḥ.[2]

According to another theory the lord divided his body into two halves. With one he became the male and with the other female. From this he produced Virāja. Then Virāja having performed austerities produced Manu the progenitor of the world. Then Manu thought of producing created beings. He first produced ten lords of created beings, Marīci, Atri, Aṅgiras, Pulastya, Pulaha, Kratu, Pracetas, Vasiṣṭha, Bhṛgu and Nārada. They producced seven Manus, together with deities, great sages, giants etc.[3] Thus a short account of natural history is given.

It is interesting to note that the ten lords, whom Manu has produced, are even to this day recognised as Hindu law-writers of authority; and maxims attributed to them are constantly quoted and relied upon in the law courts.

Still another theory of creation describes that sṛṣṭi was brought into existence by Brahmadeva from the eternal Vedas. It explicitly mentions the origination of the five subtile elements from the Vedas.[4] Further, the Veda is also spoken of as maintaining all beings. It has also been stated that Brahmā created the names, acts and institutions from the words of the Vedas. Medhātithi explains it by saying that even at the universal dissolution, the Vedas do not perish. Rather they continue to exist for ever. The supreme Being created Brahmā

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1. Manu. 1, 33
2. Sarda Lata, op. cit., p. 71-72
3. Manu. 1, 34-42
4. Ibid., 12. 98

within the egg and taught him the Vedas. And Brahmā created everything on the basis of the words of the Vedas.[1]

There seems to be some difficulty in passing from the abstract or spiritual God which alone satisfied the intellect; to the personal agent and ruler, who was apparently needed for the creation and the sustaining of the universe. The first part of the exigency was satisfied by the temporary manifestation of the Brahmā and the second by the creation of subordinate deities to watch over and have charge of the several departments of the world. These are eight in number and are called the guardian deities of the world.[2]

The Purpose of Creation :

It is not possible to attribute any motive to God for creation. Manu says that the lord brings about innumerable creations and dissolutions repeatedly as if by way of sport or entertainment.[3] The commentator observes that 'sport' (krīḍa) signifies the endeavour to seek pleasure; and that is impossible in case of Brahman who has all his desires fulfilled. The expression as it has been employed, is not proper.[4] Thus in view of Manu the creation is a mere sport for God. It does not involve any trouble for him. So it is plausible to hold that God creates the universe without any motive.

Pralaya (Dissolution) :

The ancient Indian tradition believes that each period of creation is followed by a period of dissolution. According to Manu the acts first prescribed by the lord (Brahmā), are adopted by every being when they are created again and again.[5] This conception of Pralaya is equivalent to that of sleep.[6] The existence of the creation is characterised by the state of dreamless sleep. The slumber of divine being is explained by Medhātithi as desistence of His will from creation and main-

1. Manu. 1, 21
2. Ibid., 7, 4-5
3. Ibid., 1, 80
4. Kullūka on 1, 80
5. Manu. 1, 28
6. Ibid., 1, 52-53

tenance of the world. Thus prevalence and cessation of His will are responsible for the creation and destruction of the world.[1]

There are two kinds of Pralayas viz. Avāntara-pralaya (intermediate dissolution) and Mahā-Pralaya (total dissolution). Manu says that when he reposes in calm sleep, the corporeal beings whose nature is action, desist from their actions and mind becomes inert.[2] This is the process of creation after the Avāntara-pralaya since in this type of dissolution only the three worlds are destroyed, the mind which had come into existence already after the great dissolution (Mahāpralaya) is not actually created but is employed in creation.[3] Again it is laid down by Manu, "When they are absorbed all at once in that great soul then he who is the soul of all beings sweetly slumbers, free from all cares and occupations."[4] According to Govindarāja and Kullūka this verse describes the Mahāpralaya, the great or total destruction at the end of a Kalpa, while the preceding referred to the antarāla pralaya, the intermediate or incomplete destruction. Medhātithi explains it as he who is the soul of all beings, corresponds to the Sāṅkhya term Pradhāna 'the chief cause or Nature.'[5] While Govindarāyja and Kullūka refer this expression as well as mahātman 'to the supreme soul or supreme lord' of the Vedānta.[6] Thus he, the imperishable one, by (aternately) waking and slumbering, incessantly revivifies and destroys this whole moveable, and immoveable creation.[7]

The Karma-Doctrine :

The dominating conception of Hindu theory of life is the law or Karma and its corollary, the belief in transmigration (saṁsāra). Action (Karma) is classified in two ways, according to its relevance to time and purpose. In the former, it is of three kinds: accumulated (sañcita), inbeing (prārabdha) and doing (kriyamāṇa). The first is capitalized merit; the second

1. Medhātithi on. 1, 52
2. Manu. 1, 73
3. Medhātithi on I. 53
4. Manu. 1, 54
5. Medhātithi on, 1, 74
6. Govindarāja, Kullūka on Manu. 1, 54
7. Manu. 1, 57

the action that has begun to manifest itself in effects, which we call fate; and third the action that we can do now. The aim of action makes it of two different kinds when it is purposive and when it is selfless—Kāmya and Niṣkāmya.[1] They are termed in Manusmṛti as pravṛtta and nivṛtta.[2] Acts which secure the fulfilment of wishes in this world or in the next are called pravṛtta (such as cause a continuation of mundane existence); but acts performed without any desire for a reward preceded by the acquisition of true knowledge, are declared to be nivṛtta (such as cause the cessation of mundane existence)[3]. He who performs the pravṛtta action attains the heaven and the other who performs the nivṛtta action attains salvation (Mokṣa). Thus the superiority of the later actions is well brought out in the distinction.[4]

According to Manu actions belong to the physical plane, the mental plane and the speech plane. These actions place men in the various conditions, the highest, the middling and the lowest.[5] Through actions he can become a god and through them he becomes a devil. The above mentioned actions are further divided into several parts. Coveting the property of others, thinking in one's heart what is undesirable and adherence to false, are the three kinds of sinful mental actions. Abusing, untruth, destracting from merits of all men and talking idly, shall be the four kinds of evil verbal actions. Taking what has not been given, injuring without sanction of the law, and holding criminal intercourse with another man's wife are declared to

1. Aiyangar (K.V.R.): op. cit., pp. 70-72, Bhattacharya; Vicissitudes of the Karma Doctrine (Mal. Com. Vol.) p. 492. The author observes, "...the doctrine of Karma received a singular unanimity of support except in matter of detail, from the rival school of thought and faith."
2. Manu. 12, 88
3. Ibid., 12, 89; Gītā. 2, 47; 5, 11
4. Aiyangar, op. cit., p. 72
5. Manu. 12, 3: Gupta (R.K.): Political thought in the Smṛti Literature; pp. 84-85. The author thinks, "Place for an all powerful God is found on the analogy of kingly functions, conferring proportionate rewards and punishments."

be the three kinds of wicked bodily action. In consequence of sinful acts committed with his body, a man becomes (in the next birth) something inanimate, in consequence of sins committed by speech, a bird or a beast and in consequence of mental, a low caste. That person is called a (true) tridaṇḍin in whose mind these three, the control over his speech (vāgdaṇḍa), the control over his thoughts (manodaṇḍa), and the control over his body (kāyadaṇḍa) are firmly fixed.[1]

ESCHATOLOGY

World and Hells :

Various kinds of worlds and hells are described in the Manusmṛti. It describes the mother, the father and the teacher as the incarnations of the three worlds[2] i.e., the earth, the middle sphere and the sky. By honouring his mother he gains this world (of men), by honouring his father the middle sphere (Antrikṣa), but by honouring his teacher the world of Brahman.[3] A giver of a garment obtains a place in the world of the moon (Candra-loka), a giver of a horse a place in world of Aśvinas, a giver of cow the world of the sun, a giver of the Veda, the world of Brahma.[4] Again it is declared that but he who respectfully receives (a gift) and who respectfully bestows it go to heaven; in the contrary case into hell.[5] If a wife obeys her husband, she will for that reason alone be exalted in heaven.[6] If a Brahmin gives up his body by one of those modes practised by sages, is exalted in the world of Brahman.[7] An ascetic should reflect on the transmigrations of men caused by their sinful deeds, on their falling into hell

1. Manu. 12, 4-10; Mrs. Rhys Davids: Indian Buddhism, p. 115. She says, "The doctrine of Karman was never intended to be so much an explanation of what would happen to men after death, as explanations drawn, from the past of what was now happening to him in life."
2. Ibid., 2, 230
3. Ibid., 2, 233
4. Ibid., 4, 231-32
5. Ibid., 4, 235
6. Ibid., 5, 155
7. Ibid., 6, 32

and on the torments in the world of Yama (Yama-loka). The world of manes was inhabited by manes (pitra)

Manu mentions twenty-one hells by name viz., Tamisra, Andhatāmisra, Mahāraurava, Raurava, the Kālasūtra. Mahānaraka, Saṁjīvana, Mahāvīki, Tapana, Sampratāpan, Samghāta, Sakākola, Kuḍala, Pūtimṛttika, Lohaśaṅku, Rigiṣa, Pathin, the flaming river, Sālmala, Asipatravana and Lohakāraka. One who accepts gifts from an avaricious king will go in succession to the above mentioned hells.[1]

Thus by performing good or meritorious deeds one obtains the heaven and other worlds and by performing bad or sinful actions rots in the hell.

Metempsychosis :

After death comes the state of future existence for which there are regions of bliss and torment. At one place twentyone hells are named. Every man's future destination is a matter of individual responsibility.[2] Alone he must traverse the valley of the shadow of death. Neither his father nor his mother, nor his wife, nor his son, nor his kinsmen, will remain in his company. His virtues alone will adhere to him. Single is each man born single he dies, single he receives the reward of his good and single the punishment of evil deeds. When he leaves his corpse like a log, or a lump of clay, on the ground his kindered retire with averted faces: but his virtues accompanies his soul. Continually, therefore, by degrees let him collect virtue, for the sake of securing an inseparable companion; since with his virtues for his guide he will traverse a gloom. how hard to be traversed.[3]

Happiness or misery in the next world follow by a strict law of retribution as a consequence of the life spent in this world. Merit and right conduct meet with immediate reward.

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1. Manu. 4, 87-89; Walli (Koshelya) : The Theory of Karman in Indian Thought, pp. 39-43.
2. Manu. 3, 172; 7, 53
3. Ibid., 4, 238-42

The righteous man enters atonce upon ever lasting beatitude.[1] The evil doer passes for a space into the regions of torment and having there undergone his assigned punishment, is born again into the world in some living form, animal or human, varying with the circumstances of his former deeds.[2] The individual soul, having endured those torments inflicted by Yama, again enter, free from taint, those very five elements each in due proportion. Having realised that the transitions of the soul depend on merit and demerit, he should always fix his heart on the acquisition of merit.[4] Those endowed with goodness reach the state of gods, those endowed with activity the state of men and those endowed with darkness ever sink to the condition of beasts: that is the threefold course of transmigrations. This threefold course of transmigrations is again threefold, low, middle and high, according to the particular nature of the act and of the knowledge of each man.[3] Immovable beings, insects, fishes, snakes etc., are the lowest conditions to which darkness leads. Elephants, horses etc., are the middling states caused by darkness. Karaṇas, suparṇas etc., belong to the highest conditions among those produced by darkness. Ghalls, Mallas etc., form the lowest conditions caused by activity. Kings, priests etc., consitute the middling states caused by activity. The Gandharvas, the Guhyakas etc., belong to the highest conditions produced by activity. Hermits, asceties etc., form the lowest existences caused by goodness. Sacrifices, the sages etc., constitute the second order of existence caused by goodness. Brahmā, the law etc., form the highest order of beings produced by Goodness.[5]

The mode in which the process of transition is explained involves some minute analysis. The living body is constituted out of a material substance animated with a vital spirit: to the bodies conscious or reasonable soul is united on the birth of every living being and the supreme spirit or divine essence per-

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1. Manu. 12, 40; 81
2. Ibid., 12, 17-19
3. Ibid., 12, 22-23
4. Manu. 12, 40-41
5. Ibid., 12, 42-50

vades them all. On death the material body is dissolved, and the two essence reasonable soul and supreme spirit, closely scrutinise and examine the vital soul; if it turns out that the vital spirit had practised virtue for the most part and vice in a small degree, then the two essences remain with it, and clothed in a new body of pure material enjoy delight in celestial abodes. But if the vital spirit had generally been addicted to vice and seldom attended to virtue, then it will be deserted by the pure elements and a body formed for the purpose will suffer the pains to which Yama will doom it and then again the two essences will rejoin it.[1]

Yama is one of the eight guardian deities whose province is to award to every ill-doer, the due punishment to be undergone by him in the next world. He is the minister of justice, meeting out terminable and purifying correction to the offenders against divine law in strict accordance with the measure of their offences.

The merit, right conduct or virtue which alone will carry man to the region of bliss are continually the subject of expiation throughout the institutes. It must be founded on the knowledge of one God.[2] The essence of conduct is the motive which prompts it.[3] Truthfulness, devotion and purity of thought, word and deed transcend all ceremonial cleansing or washings of water.[4] Vice is worse than death. Intellectual service of God is better than sacrifice or oblations for scriptural knowledge is the root of every ceremonial observance.[5] A true believer can extract good out of evil.[6] By forgiving injurer, the learned are purified.[7] Courtesy and consideration for others are repeatedly enjoined. Let him say what is true, but let him say what is pleasing; let him speak no disagreeable truth, nor let him speak agreeable falsehood, this is a primeval rule.[8] Again, we find the importance of perseverance.[9] And the effect of sin committed may be got rid off

1. Manu. 12, 12-13
2. Ibid., 12, 85
3. Ibid., 4, 234
4, Ibid., 5, 10
5. Ibid., 7, 53
6. Manu. 4, 238
7. Ibid., 5, 107
8. Ibid., 4, 138
9. Ibid., 4, 159

by true repentance. The voluntary confession of sin absolves a man from guilt.[1]

If the Hindu religious writers had stopped at this stage and left the form and manner of the retribution in the hands of Yama, their system would have ranked deservedly high. But, fortunately for the historical inquirer, they were not mere speculative philosophers or moralists.

Manu discloses the leading features of Hindu philosophy, namely, its realism. The consequence is almost invariably knit to the antecedent by a sort of lextalionis. So far as possible the punishment is made analogous to or correspondent with the evil action. The man, who permits an unworthy guest to be present at a Śrāddha which he celebrates, must swallow in the next world as many red hot iron balls as the mouthfuls swallowed at the feast by that guest. The action inevitably brings its own retribution.

Another remarkable feature of the system is the transfer of merit and demrit.[2] If one wrongs another, he takes upon himself the sins of the latter, while the injured man on his side acquires all the good which the injurer had previously stored up for a future life. A singular advantage or efficacy was attributed to just punishment in this world at the hands of the civil power. According to Manu,[3] he who receives the punishment for his sin from the king, goes to heaven being pure.

Deities :

Though monotheistic tendency is clearly discernible in the plurality of gods in the Vedas yet the plurality of the deities was, however, recognised at all sacrifices.[4] The gods are said

1. Manu. 11, 228
2. Ibid., 7, 94-95
3. Ibid , 8, 318
4. Ramgopal. op. cit., p. 465; Saxena (D.P.) : Regional Geography of Vedic India, p. 109. He says," The Vedic religion was entirely a nature worship which was performed with great details of ritual activities. Hence the environment had double control over the Vedic religion. First, the Vedic gods were personifications of natural forces which were a part of the physical environment and secondly all sacrificial material was derived from the environment."

to have been created by the ten great sages like Marīci, Atri, Aṅgiras etc., produced by Manu through very difficult austerities.[1] Form the sages sprang the manes, from the manes the gods and Dānavas, but from the gods the whole world.[2] The gods were caused by goodness.[3] Goodness seems to be the inherent nature of those gods.[4] The twelve hundred years which are the total of four human ages, are called one age of the gods.[5] The householder should offer daily offerings and worship them.[6] The property of those who offer sacrifices, the wise call the property of the gods[7].

The man who out of greed seiges the property of the gods feeds in another world on the leavings of vultures.[8]

The gods referred to in the Manusmṛti are Svayambhū (self-existent).[9] Nārāyaṇa,[10] Agni, Soma, Dhanvantarī, Prajāpati, Dyavāpṛthvī (Heaven and Earth), Agni, Śviṣṭakṛt, Indra, Yama, Varuṇa, Maruts, Vāstoṣpati, Sarvātmabhuti,[11] Vasus, Rudras, Adityas,[12] Sūrya,[13] Candra, Vāyu, Kubera,[14] Āpaḥ[15] Subrahmaṇya,[16] Pṛthvī,[17] Aryaman, Mitra[18] Vaimānikas[19] Viṣṇu, Hara,[20] Bṛhaspati.[21] Let the king emulate the energetic actions of Indra, the Sun, the Wind, Yama, Varuṇa, the Moon, the Fire and the Earth.[22] During this age Indra was no more than a rain god who sends copious rain during the four months of the rainy season. Just as he showers rain on the people for their benefit, so a king should shower benefits on his kingdom. Manu also refers to the action of the Sun which consists in imperceptibly drawing up the water with his rays for eight months and showers back that water for

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1. Manu. 1, 22; 36
2. Ibid., 3, 201
3. Ibid., 11, 44
4. Ibid., 11, 40
5. Ibid., 1 71
6. Ibid., 3, 70-90: 4, 152; 6, 24
7, Ibid., 11, 20
8. Ibid., 11; 26
9. Ibid., 1, 3
10. Ibid., 1, 10
11. Ibid., 3, 85-91; 5, 95; 8, 173; 9, 303; 11, 255
12. Manu. 3, 284; 11, 222; 255
13. Ibid., 5, 86. 95
14. Ibid., 5, 95, 7.4, 7
15. Ibid., 8, 106
16. Ibid., 9, 126
17. Ibid., 9, 303
18. Ibid., 11, 255
19. Ibid., 12, 48
20. Ibid., 12, 121
21. Ibid., 11, 122
22. Ibid., 9, 303

the prosperity of the human beings through rains. The king should follow him in doing good to his people. As the wind moves everywhere entering in the shape of vital air, all created beings even so let him penetrate everywhere through his spies. The work of Yama is to subject to his rule both friends and foes. So all subjects must be controlled by the king.[1] Yama is also described as the god who punishes the people when they go to his abode after death.[2] As a sinner is bound with ropes by Varuṇa so let the king punish the wicked.[3] Varuṇa is also described as the lord of waters.[4] Just as the moon pleases through its appearance, so a king should please his subjects. Moon was thus the bestower of happiness on the people. Fire is described by Manu as the destroyer of foes or demons with his brilliant energy. Earth is described as the supporter of all created beings.[5] The world of Indra and his throne are also mentioned in the laws of Manu.[6] Indra is also referred to by the name Puruhuta.[7] The supreme being is also sometimes alluded to by the word Indra.[8]

He who gives false evidence is firmly bound by Varuṇa's fetters helpless during one hundred existences.[9] Varuṇa is lord of punishment for he holds the sceptre even over kings.[10]

When the evil doers by means of that body have suffered there the torments imposed by Yama the son of Vivasvat, its constituents parts are united.[11] The individual soul endures the torment of Yama.[12]

Certain female deities are also mentioned in the laws of Manu. They are Kuhu (the goddess of the new-moon day), Anumati (the goddess of the fullmoon-day), Śrī or Padmā (fortune), Bhadrakālī,[13] Śaraswati (goddess of speech).[14] and Niṛriti.[15]

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1. Manu. 9, 304-307
2. Ibid., 7.4, 6, 61
3. Ibid., 9, 308
4. Ibid., 5, 95, 8, 82
5. Ibid , 9, 309-11
6. Ibid., 4, 182, 8, 344
7. Ibid., 11, 122
8. Ibid., 12, 123
9. Manu. 8, 82
10. Ibid., 9, 244-45
11. Ibid., 12, 17
12. Ibid., 12, 22
13. Ibid., 3, 86, 89, 7, 10
14. Ibid., 8, 105
15. Ibid., 11, 105, 119

Manu also refers to the snake deities called Nāgas and Sarpas, and the bird deities called Suparṇas.[1]

Demons and Goblins and Others:

The common people entertained belief in the existence of demons and goblins. The bali offering was made to Bhūtas.[2] Prahuta (offered by cattering it on the ground) the bali offering given to the Bhūtas.[3] One must give offering to the Bhūtas. A man should worship Bhūtas with bali offerings.[4] He should throw up into the air a bali for the goblins roaming by day and in the evening, one for the goblins that walk at night.[5] Daityas formed the first and the lowest rank of the existence caused by goodness. The gandharvas, the guhyakas (evil spirits who hurt children), Yakṣa as (the guardians of treasures), the servants of the gods (Vidyādharas etc.), Apsarases all belong to the highest rank of conditions produced by activity.[6] They were all created by Brahmā at the time of creation.[7] The Rākṣasas are also frequently mentioned in the law book of Manu. The Rākṣasas indeed, consume the food eaten by Brahmins who have not fulfilled the vow of studentship, by a Parivettri and so forth and by other men not admissible into the company.[8]

The Brahmin should be invited in honour of the gods as a protection for (the offering to the manes); for the Rākṣasas destroy a funeral sacrifice which left without such a protection.[9] A tear sends the food to the Pretas, anger to his enemies, a falsehood to the gods, contact with his foot to the Rākṣasas, a shaking to the sinner.[10] The night is declared to belong to the Rākṣasas. So one should not perform a funeral sacrifice at night nor in the twilight nor when the sun has just risen.[11] Brahmins who performed under a false pretence, goes to the world of Rākṣasas after their death.[12] The gods, the Dānavas, the Gand-

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1. Manu. 1.37
2. Ibid., 3, 70
3. Ibid., 3, 74
4. Ibid., 3, 80-81
5. Ibid., 3, 90
6. Ibid., 12, 47-48
7. Manu. 1, 37
8. Ibid., 3, 170
9. Ibid., 3, 204
10. Ibid,, 3, 230
11. Ibid., 3, 28
12. Ibid., 4, 199

harvas, the Rākṣasas, give the enjoyment only if they are tormented by punishment.[1] He, who always worships aged men, is honoured even by Rākṣasas.[2] Surā, intoxicating drinks and decoctions and flesh are the food of the Yakṣas, Rākṣasas, and Piśācas.[3] Rākṣasas and Piśācas belong to the highest rank of conditions among those produced by darkness.[4] Again Rākṣasas, Piśācas and Asuras were created by Manu.[5] Because Rākṣasas and Piśācas are said to have been produced by womb so they may be considered as human species in contrast to Daityas, Bhūtas, goblins, Gandharvas Yakṣas and Apsarāses who are semi-divine beings produced by the divine sages.[6]

The malevolent Asuras forcibly snatch away that food which is brought without being held with both hands.[7] The wealth of those who perform no sacrifices is called the property of the Asuras.[8] All these evil beings were believed to have malicious nature.

The Modes of Worship:

Sacrifices were performed to propitiate gods. In the sacrifices oblations of cooked food were offered in the fire with the recitation of proper incantations. The five great sacrifices like Ahuta, Huta, Prahuta, Brāhmya-huta and Prāśita,[9] actually indicate the modes of offering oblations or worship. An obla-

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1. Manu. 7, 23
2. Ibid., 7, 38
3. Ibid., 11, 96
4. Ibid., 12, 44
5. Ibid., 1, 37
6. Ibid., 1, 43
7. Ibid., 3, 225
8. Ibid., 11, 20
9. Ibid., 3, 73-74, Saxena (D.P.) : op. cit., p. 109. The author opines, "Worship may be ritualistic or non-ritualistic. In the former case, one requires a number of accessories which are derived directly from the environment, whereas the latter form is based upon recitation of prayers which come from man's imagination which is greatly influenced by physical and cultural elements of the region."

tion duly thrown into the fire reaches the sun; from the sun comes rain, from rain food, therefrom the living creatures.[1] Let him worship according to the rule, the sages, by the private recitation of the Veda, the gods, by burnt oblations, the manes, by funeral of offerings (Śrāddha), men by gifts of food and the Bhūtas by Bali offering. He should daily perform a funeral sacrifice with water etc.[2] Early in the morning after going through his routine work, one should worship the gods. He should reverentially salute venerable men, give them his own seat; he should sit near them with joined hands and when they leave, accompany them, walking behind them.[3] When he bathes at the three Savans (sunrise, midday and sunset) he should offer libations of water to the manes and the gods, practising harsher austerities.[4] The incantation that accompanied the performance of sacrifices were in the form of prayers; and on certain occasions only mantras were recited as prayers and no material oblation was offered to the deities.[5] An offering consisting of muttered prayers, is ten times more efficacious than a sacrifice performed according to the rules of Veda; a prayer which is inaudible to others surpasses it a hundred times, and the mental a thousand times. The four Pākayajñas and other sacrifices which are enjoined by the rules of the Veda are all together not equal in value to a sixteenth part of the sacrifice cosisiting of muttered prayers. By muttering prayers only a Brahmin reaches the highest goal.[6] The Manusmṛti lays special emphasis on the recitation of the monosyllable *Om*, Mahāvyāhṛtis and three-footed syllable.[7] He who daily recites them, untired, during three years, will enter after death the highest Brahman, moves as free as air and assumes an etheral form. The monosyallable *Om* is the highest Brahman three suppressions of the breath (Prāṇāyāma) are the best form of austerity but nothing surpasses the Sāvitrī; truthfulness is better than silence.[8] The three syllables of *Om* and

1. Manu. 3, 76
2. Ibid., 8, 81-82
3. Ibid., 4, 152-54
4. Ibid., 6, 24
5 Ramgopal, op. cit., p. 275
6. Manu. 2, 85-87
7. Ibid., 2, 81
8. Ibid.. 2, 82-83

the three foot of Sāvitrī and the vyāhṛtis. (Bhūḥ, Bhuvaḥ, Svaḥ), were milked out (as it were) by Prajāpati. A Brahmin who recites them during both twilights gains the whole merit which the Vedas confer. If he recites them one thousand times outside the village will be fre.d after a month even from great guilt, as a snake from its slough.[1]

A Brahmin who desires to perform austerities, should constantly repeat the Vedas; for the study of the Veda is declared to be the highest austerity for a Brahmin.[2] By practising austerities one obtains the faculty of remembering former births.[3] Austerities are enumerated among the various means for attaining supreme bliss.[4] By austerity a sinner is freed from guilty.[5] If, on account of any act, his mind is uneasy then a man should repeat the austerities prescribed as penance for it until they fully satisfy his conscience. Austerity is described as the root, middle and end of all the bliss of gods and men.[6] Knowledge is the austerity of a Brahmin, protecting is the austerity of a Kṣatriya, business is the austerity of a Vaiśya, and service is the austerity of a Śūdra. Through their austerities alone, the sages know the three worlds. Medicine, good health, learning and various divine stations are obtained by the power of austerities. Whatever is hard to traversed, whatever is hard to be attended, whatever is hard to be reached, whatever is hard to be performed—all this may be accomplished by austerites: for austerities possess a power which is difficult to surpass. The austerities free a man from mortal sins. Even insects, snakes, moths, bees etc. reach heaven by the power of austerities. Sins committed by thoughts, words, or deeds are burnt by penances. The gods accept the offering of that Brahmin alone who has purified himself by austerities and grant to him all he desires. Even Prajāpati had to resort to austerities for the creation of the sacred laws; and the sages likewise obtained the Vedas through their austerities.[7] In the Kṛta age the chief virtue is

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1. Manu. 2, 76-79
2. Ibid., 2, 166
3. Ibid., 4, 148
4. Ibid., 12, 83
5. Manu. 11 228
6. Ibid., 11, 234-35
7. Ibid., 11, 236-44

declared to be the performance of austerities.[1] A hermit should be a patient of hardships. In summer he should expose himself to the heat of five-fires, during the rainy season live under the open sky, and in winter be dressed in wet clothes, thus gradually increasing the rigour of his austerities.[2] By religiously practising austerities, one gets merit.

Temples and Idols :

The worship was also done in the temples where idols of different deities were placed. Capital punishment is prescribed by Manu for those who break into a temple.[3] He who destroyed the images was made to pay five hundred paṇas and was asked to repair the whole damage.[4] A snātaka should pass by an idol turning his right hand towards them.[5] He should not intentionally step on the shadow of images of the gods.[6] The witness was asked by the judge to give true evidences in the presence of images of gods and of Brahmins. One who seizes the property of the gods, after his death live on the leavings of vultures in another world.[7] The property destined for pious uses or sacrifices, is declared by Manu as indivisible.[8] Temple priests must be avoided at sacrifices offered to the gods and the manes.[9] Food given to a temple priest is lost. These negative evidences show that the temple priests were appointed to worship the idols and to guard the property of the temples. Idol worship was in vogue.

Thus the various modes of worship described by Manu are the prayers, sacrifices, meditation and austerities.

Superstitions and Magic :

The people in general must have been exceedingly credulous and superstitious, for the authors of the Śāstras themselves sanction many ignorant beliefs. They declare that there

1. Manu. 1, 86
2. Ibid., 6, 22-24; 30
3. Ibid., 9, 280
4. Ibid., 9, 285
5. Ibid., 4, 39
6. Manu. 4, 130
7. Ibid., 11, 26
8. Ibid., 9, 219
9. Ibid., 3, 152
10. Ibid., 3, 180

were fortunate and inauspicious days of the moon, lucky and unlucky hours and that the stars exercised good or bad influences according to their qualities.[1] An auspicious name was valuable.[2] To sacred texts and to gems of certain kinds extraordinary virtues were ascribed.[3] They were prescribed as charms and as antidots to poison.[4] Thunder and lightning were looked upon as portents. On a preternal sound from the sky, on an earthquake and when the lights of heaven are surrounded by a halo, one should stop the vedic study. A Brahmin should not recite the Veda when Rāhu by an eclipse makes the moon impure. It was believed that one becomes impure on account of birth or a death. The recitation of the Veda on the new moon day destroys the teacher, the fourteenth day the pupil, the eighth and the full moon days rememberance of the Veda. So he should avoid these days. He should also not recite the Veda, while the sky is preternaturally red, nor while jackals howl, nor while the barking of dogs, the braying of donkeys or the grunting of camels,[5] for these are inauspicious signs. Signs and omens were to be regarded. On the appearance of a beast used in agriculture, a fog, a cat, a dog, a snake, an inchneumon or a rat, the reading of the Vedas must be stopped for a day and night, and much more of the like kind. Strangely enough any one who observed a rainbow in the sky was forbidden to draw the attention of any other person to it.[6] The shadows of idols of the gods, of a guru, of a king, of a snātaka, of a reddish brown animal should not be intentionally stepped on.[7] One should always offer on the Parva days oblation to Sāvitrī and such as to avert evil omens.[8] Sorcery by means of sacrifices and working magic by means of roots were acts included in the upapātakas.[9] For all incantations intended to destroy life, for magic rites with roots and for various kinds of sorcery, a fine

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1. Manu 2, 30
2. Ibid., 2, 33, 3, 9-10
3. Ibid , 2, 76
4. Ibid., 7, 217-18
5. Ibid., 4, 105-15
6. Manu. 4, 126
7. Ibid., 4, 130
8. Ibid., 4, 150
9. Ibid., 11, 64

of two hundred paṇas shall be imposed.[1] A Brahmin is permitted to use without hesitation the sacred texts revealed by Atharvan and by Aṅgirasa. A Brahmin should pass through misfortunes by muttered prayers and burnt oblations.[2] Thus sacrifices, and prayers are supposed to be endowed with magical power. Men gain salvation even in this world.[3]

Sacrifice :

Even before the Manusmṛti sacrifice had become an important part of the life of every Āryan. It was regarded as the sure means to attain both wordly and heavenly possessions. So it was considered to be the greatest of all actions and rites.[4] According to Manu, a householder has five slaughter houses (as it were) viz., the hearth, the grinding stone, the broom, the pestle and mortar, the water vessel by using which he is bound with the fetters of sin.[5] So in order to remove that sin, the great sages have prescribed for the householders the daily performance of the five great sacrifices.[6] The daily study of the Veda, the performance of the great sacrifice according to one's ability, (and) patience in suffering, quickly destroy all guilt even caused by mortal sins.[7] The performance of the sacrifice removes the debt which one owes to gods. Hence it was compulsory for every householder to perform sacrifices.

The sacrifice is enlisted in the obligatory duties of the twice-born men. An important occupation for a Brahmin was to sacrifice for others.[8] It is also laid down that every householder should study the Veda and also apply himself to the performance of the offering to the gods. He who is diligent in the performance of sacrifices, supports both the movable and the immovable creation.[9] That Brahmin who daily honours all beings, goes endowed with a resplendent body by a straight

1. Manu. 9, 290
2. Ibid., 11, 33 34
3. Ibid., 11, 198
4. Ibid., 6, 75
5. Basu. (Jogiraj) op. cit., p. 140
6. Manu. 3, 68-69
7. Ibid., 11, 246
8. Ibid , 188-90; 10, 75-78
9. Ibid., 3, 75-80

road to the highest dwelling place.[1] One should never, if he is able to perform them, neglect the sacrifices to the sages, the gods, the Bhūtas, the men and the manes.[2] The hermits should perform these sacrifices with various kinds of pure food fit for ascetics or with herbs, roots and fruits.[3]

He who has not been initiated should not perform sacrifice since he is on a level with a Śūdra.[4] A woman or a eunuch or a non-śrotriya must not perform a sacrifice.[5] Neither a girl, nor a married young woman, nor a man of little learning, nor a fool, nor a man in great suffering, nor one uninitiated, should offer an Agnihotra.[6]

A Brahmin should not offer sacrifices for immoral person because it will lead him to destruction.[7] One who sacrifices for unworthy person is liable to incur sin equal to the violation of a guru's bed.[8] But by sacrificing for a despicable person in the time of distress, a Brahmin commits no sin. The guilt incurred by officiating at sacrifices for unworthy person is removed by burnt oblations.[9]

Initiated persons were allowed to perform sacrifices. Manu declares that he who has been initiated to perform Śrauta sacrifice must not be addressed by his name even though he be younger man.[10] One should not intentionally step on the shadow of one who had been initiated to performance of a Śrauta sacrifice (Dīkṣita).[11] Men who had performed initiatory ceremony of a Vedic sacrifice were not prohibited from speaking to a married women.[12]

The sacrifices, the sages, the gods etc. are said to have been caused by goodness.[13] Manu observes that in this tenure of life a man is born thrice. His first birth takes place when he is delivered from the womb of the mother: this is his physical birth. He undergoes a second birth at the time of his upana-

1. Manu. 3, 93
2. Ibid., 4, 21
3. Ibid., 6, 5
4. Ibid., 2, 171-72
5. Ibid., 4, 205-06
6. Ibid., 11, 36-37
7. Ibid., 3, 65
8. Manu. 11, 60
9. Ibid., 10, 103, 109, 111
10. Ibid., 2, 128
11. Ibid., 4, 130, 210
12. Ibid., 8, 360
13. Ibid., 12, 49

yana ceremony which is his spiritual birth where the preceptor is his father and the Sāvitrī verse is his mother. Because of his second birth one is called twice-born (Dvija). A man is born for the third time when he is initiated for performing any sacrifice.[1]

Forms of the Sacrifice :

The sacrifices may be divided into five classes viz. Homa, Iṣṭi, Paśuyāga, Somayāga and Sattra.

Homa-Agnihotra :

The Homa sacrifice is also known as Darvī-homa because in this, offerings are poured into the fire by means of ladle called Drāvī. It consists in the offering of oblations of milk, curd, rice etc., to Sun and Agni in the sacrificial pit every day both in the morning and in the evening. The Agnihotra is the model for the Homa type of sacrifices. The Agnihotra sacrifice may be performed at anytime after the sun has risen, before he has risen, or when neither sun nor stars were visible.[2] A Brahmin shall always offer the Agnihotra at the beginning or at the end of the day and of the night.[3] A pious wife should be burnt with the Agnihotra and with the sacrificial implements.[4] A hermit should offer the Agnihotra with three sacred fires, never omitting the new moon and full moon sacrifices at the proper time.[5] A Brahmin who being an Agnihotrī voluntarily neglects the sacred fires shall perform a lunar penance during one month; for that offence is equal to the slaughter of a son. But an Agnihotra should not be performed by wealth obtained from a Śūdra.[6]

Agnyādheya :

The Agnyādheya is the first of the seven haviryajñas. The Agnyādheya is the same as agnyādhāna. It is an iṣṭi which

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1. Manu. 2, 169-71
2. Ibid., 2, 15
3. Ibid., 3, 25
4. Manu. 5, 167
5. Ibid., 6, 9
6. Ibid., 11, 41-42

means a sacrifice performed by a sacrificer and his wife with the help of four priests. The Agnyādheya occupies two days, the first day with upavasatha and the second with the performance of main rites. The Agnyādheya means the placing of burning coals for the generation of the gārhapatya and other fires at a particular time and place by a particular person to the accompaniment of certain mantras.[1] Manu says the performer of this sacrifice is known as Ṛtvik.[2] The Adhavaryu priest shall take the chariot and the Brahman at the kindling of the fires (agnyādhāna) a horse.[3] A Brahmin who though wealthy, does not give, as fee the performance of an Agnyādheya, a horse sacred to Prajāpati, becomes equal to one who has not kindled the sacred fires.[4]

Iṣṭi : Darśa-Paurṇamāsa-Iṣṭi :

The Darśapauraṇmāsa sacrifice is the pattern or achetype of all other iṣṭis. The Śrautasūtras therefore describe first the Darśapauraṇamāsa at length though in the order of time Agnyādhāna comes first. The word amāvasyā literally means the day, when the sun and the moon dwell or are together. It is that tithi (day) on which both the sun and the moon are nearest to each other, while Paurṇamāsī is the tithi on which the sun and the moon are at the greatest distance from the moon. Paurṇamāsa means that moment when the moon is full. Darśa has the same sense as amāvasyā, Darśapaurṇamāsa secondarily means the rites that are performed on the amāvasyā and the paurṇamāsī respectively. Iṣṭi means a sacrifice in which the sacrificer employs four priests.[5] According to Manu Darśa Paurṇamāsa should be performed at the end of each half month.[6] One should not omit the new moon and full moon sacrifices at the proper time.[7]

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1. Kane (P.V.); op. cit., Vol. 2 part. 2, pp. 986-87
2. Manu. 2, 143
3. Ibid., 8, 209
4. Ibid., 11, 38
5. Kane (P.V.) : op. cit., vol. 2, part, 2, p. 1009
6. Manu. 4, 25
7. Ibid., 6, 9

Cāturmāsyas (seasonal sacrifices) :

The term Iṣṭyana comprehends the Cāturmāsyas, Turāyaṇa, Dākṣāyana and other iṣṭis. The Cāturmāsya are three viz., Vaiśvadeva, Varuṇapraghāsa and Sākamedha. Each one of these, is called a parvan of the Cāturmāsya because each one of them takes place after four months. They are performed respectively on fullmoon days of Phālguna or (Chaitra), of Āṣāḍha, Kārtika and on 5th fullmoon from the day on which the Sākamedha is performed or two or three days before it. They indicate the advent of three seasons viz. Vasanta, Varṣā and Hemanta.[1] Manu says that at the end of the three seasons the Cāturmāsya sacrifices should be performed.

Āgrayaṇa Iṣṭi :

Āgrayaṇa is also called Navayajña in the Manusmṛti. According to Manu this Iṣṭi is to be performed with new grains when the old grains have been consumed. This Iṣṭi bestows long life on the performer. In this Iṣṭi fire is worshipped by the offering of new grains.[2] The forester should offer the Nakṣatreṣṭi the Āgrayaṇa and the Cāturmāsya as well as the Turāyaṇa and likewise the Dākṣāyaṇa in due order.[3]

Paśuyāga (Animal Sacrifices) :

Manu has also referred to animal sacrifices. At the solstices an animal sacrifice should be performed.[4] The animal sacrifice is an independent sacrifice and it is also performed in soma sacrifices as constituent part. The independent animal sacrifice is called nirūḍhapaśubandha and the subordinate ones are called saumika. The independent animal sacrifice is to be performed every six months or every year by the āhitāgni.[5] An animal is the offering in this sacrifice; so it is designated as *paśu-yāga*.

1. Kane (P.V.) op, cit., Vol. 2, Pt. 2, p. 1091
2. Manu. 4, 26-28
3. Ibid., 6, 10
4. Manu. 4, 26
5. Kane (P.V.) op.cit., Vol. 2 part 2, p. 1109

Soma-Yāga

The Somayāgas are also mentioned in the code of Manu. According to Manu Soma offering should be made at the end of the year.[1] According to Gautama and others, there are seven forms of Soma sacrifices, viz., Agniṣṭoma, Atyagniṣṭoma, Ukthya, Ṣodaśin, Vājapeya, Atiratra and Āptoryāma.

Agniṣṭoma :

The Agniṣṭoma is the model (prakṛti) of all the Soma sacrifices. The Agniṣṭoma is a one-day sacrifice and it is an integral part of the Jyotiṣṭoma so much so that the two are often identified. According to Manu, he who being duly chosen performs the Śrauta sacrifice such as the Agniṣṭoma and others is called officiating priest (Ṛtvik).[2]

Sattra :

Manu also alludes to the performance of Sattras. At one place he declares that the taints of impurity does not fall on kings who are engaged in the performance of a Sattra; for the kings are seated on the throne of Indra.[3] Sattras are sacrificial sessions, the duration of which varies from twelve days to one year or more. Their arche-type is Dvādaśāha. Sattras again may be divided into those called Rātrīsattras and those called Sāṁvatsrika (carried on for a year or more)[4]

Ahīna-Sacrifice :

A mention of Ahīna sacrifice are also made by Manu. He says that he who has performed an Ahīna sacrifice removes his guilt by three Kricchra (penances).[5] The Ahīna sacrifices are those the duration of which is two to twelve days of soma pressing, which always end with atirātra and which together

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1. Manu. 4, 26; 11, 7-10
2. Kane (P.V.) op. cit., Vol. 2 part, 2, p. 1133; Gaut. VIII 21; Lāt Ś.S. 5, 4, 24
3. Manu. 5, 93
4. Kane (P.V.) op. cit.. vol. 2, part, 2, p. 1239
5. Manu. 11, 198

with dīkṣā and upasad days should not extend beyond a month. They should begin on a full-moon day.[1]

Aśvamedha (*Horse-sacrifice*) :

The Aśvamedha is one of the most important sacrifices. The Śatapatha Brāhmaṇa enumerates the names of several ancient monarchs who performed the Aśvamedha.[2] It also states that he who being weak offers an Aśvamedha is indeed thrown away.[3] Many domestic and wild animals are offered as oblations in this sacrifice of which the main victim is a horse whose fore part is dark, hind part is white, which is free from disease and has a special mark on its forehead. The horse duly sanctified is let loose to roam about at its sweet will. The army attend on the horse to protect it from enemies. If some king holds the horse, the other king fights with him for the release of the horse. Finally when the horse comes back after roaming, it is sacrificed.[4] The king who performed this sacrifice attained complete sovereignty over the earth and was called Cakravartin. A murderer is asked by Manu to perform a horse-sacrifice as a penance for that act of killing.[5] He who after confessing his crime in an assembly of the gods of the earth (Brahmins) and the gods of men (Kṣatriyas), bathes with the priest at the close of a horse-sacrifice is also freed from the guilt of slaying a Brahmin.[6] This rule is perhaps directed to the kings who are able to perform the horse-sacrifice.

Pākayajña:

The word Pākayajña, a technical term used by the Gṛhyasūtras to designate the Gṛhya sacrifices in distinctions from the Śrauta sacrifices, has been used by the Brāhmaṇa texts in the

1. Kane (P.V.) : op. cit., Vol. 2, part, 2, p. 1213
2. Śat. Br. XIII. 1-5, Tai. Br. III. 8-9
3. Ibid.
4. Basu (Jogirāja) op. cit.; p. 166-67; Kane (P.V.) op, cit., 2, part 2, pp. 1228-1238.
5. Manu. 11, 75
6. Ibid., 11, 83

same technical sense.[1] The four Pākayajñas (the great sacrifices to gods, manes, goblins and men excluding the Brahmayajña) and those sacrifices which are enjoined by the Vedas are all together not equal in value to a sixteenth part of the sacrifice consisting of muttered prayers.[2] He who being duly chosen perfoms the Pākayajña is called Ṛtvij.[3] A student who has broken his vow shall offer at night on a cross way to Nirṛiti, a one eyed ass, according to the rule of the Pākayajña.[4]

The Pañca Mahāyajñas:

Manu enjoins the perfomance of five great daily sacrifices. Teaching (and studying) is the sacrifice offered to a Brahman; the offering of water and food called Tarpaṇa, the sacrifice to the manes; the burnt oblation, the sacrifice offered to the gods; the Bali offering that offered to the Bhūtas; and the hospitable-reception of guests, the offerings to men. Who performs these sacrifices is never tainted by sin. A person who does not perform these sacrifices, lives not though he breathes.[5] These sacrifices are also called Ahuta, Huta, Prahuta, Brāhmya-Huta and Prāśita. Ahuta (not offered in the fire) is the muttering of Vedic texts, Huta the burnt oblation (offered to the gods) Prahuta (offered by scattering it on the ground, the Bali offering given to the Bhūtas, Brāhmya-Huta (offered in the digestive fire of the Brāhmaṇas), the respectful reception of Brahmins (guests) and Prāśita (eaten), the daily oblations to the manes called Tarpaṇa.[6] A person should daily perform a funeral sacrifice with food or with water, or also with milk, roots and fruits, and thus please the manes. A Brahmin should offer according to the rule the cooked food destined for Vaiśvadeva in the domestic fire ; first to Agni and next to Soma then to both these gods further to all the gods, (Viśava-Devāḥ) and then to Dhanvantari further to Kuhū (the goddess of the new-moon day), to Anumati (the goddess of full-moonday), to

1. Ramgopal. op. cit., p. 17
2. Manu. 2. 86
3. Ibid., 2, 143
4. Manu. 11, 119
5. Ibid., 3, 70-72
6. Ibid.. 3, 74
7. Ibid., 3, 82-84

Prajāpati, to heaven and earth conjointly and finally to Agni Sviṣṭakṛta (the fire which purforms the sacrifice well). After having offered the sacrificial food let him throw Bali offering in all directions of the compass, proceeding (from the east) to the south, to Indra, Yama, Varuṇa and Soma, as well as to the servants of these deities: saying, "(Adorations) to the Maruts," he shall scatter some food near the door and some in water, saying, "(Adoration) to water," he shall throw (some) on the pestle and the mortar speaking thus, (Adoration) to the trees. Near the head of the bed, he shall make an offering to Śri (fortune) and near the foot of his bed to Bhadrakālī; in the centre of the house let him place a Bali for Brahman and for Vāstoṣpati (the lord of dwelling) conjointly. He should throw up into the air Bali for all the gods and for the goblins roaming about by day, and in the evening, for the goblins that walk at night. In the upper, storey let him offer Bali to Srvātmabhūti; but let him throw what remains in a southernly direction for the manes.[1] Some food should also be placed on the ground for dogs, outcasts. Caṇḍālas (Śvapāc), those afflicted with diseases that are punishments of former sins, crows and insects. Having performed the Bali offering he shall first feed his guest and give alms to an ascetic and to a student.[2] The oblations to gods and manes, made by men ignorant, are lost if the givers in their folly present to Brahmins who are mere ashes. So the presents should be made only to learned Brahmins for they bring good fortune.[3]

Minor-Sacrifices:

Other minor sacrifices mentioned in the Manusmṛti are abhijit, Svarjit, Gosava, Viśvajit, Trivṛt, Agnistut[4] Prajāpti-Iṣṭi[5] Nakṣatreṣṭi, Turāyaṇa Dakṣāna[6] and Viśvānarī-Iṣṭi.[7]

1. Manu. 3, 92 94
2. Ibid., 3, 97-98
3. Ibid., 11, 75
4. Manu. 6, 38
5. Ibid., 6, 10
6. Ibid., 11, 27
7. Ibid., 3. 151

Forbidden-Sacrifices:

Brahmins should neither offer sacrifice for a multitude of sacrificers,[1] nor offer sacrifices to the Gaṇas, nor offer sacrifices or magic rites for the destruction of lives.[2] One should not practise sorcery by means of sacrifices.[3] One should not sacrifice for Vrātyas. He should avoid magic sacrifice.[4]

The Sacrificer (*Yajamāna*):

Any person belonging to the three higher varṇas could perform sacrifices.[5] The performance of the sacrifices is included in the essential duties of the twice-born men. Yajamāna was one who performed the sacrifice for his own welfare. Yajamāna got the sacrifice performed by the priests with his wealth and gave away the dakṣiṇās[6] Yajamāna secured welfare for himself by the the performing of the sacrificial act and the Yājaka secured dakṣiṇās[7] for himself by that act. The observance of the vow of celebacy, the bestowing of dakṣiṇās, the procuring of the necessary material for the sacrifice and the pronouncement of desires—all these are enlisted among the duties of a sacrificer. Manu lays down that a snātaka should without tiring always offer sacrifices and perform works of charity with faith; for offering and charitable works made with faith and lawful earned money, procure endless rewards. He should practise according to his ability, with a cheerful heart, the duty of liberality both by sacrifices and by charitable works.[8]

The Śūdras were not allowed to perform sacrifices. But such rules which lay down that the Brahmins who sacrifices for Śūdras may not be invited at a Śrāddha rite[9] show that they got the sacrifices performed by Brahmins. Those priests who officiated for Śūdras were censured among the reciter of the Veda.[10]

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1. Manu. 3, 164
2. Ibid., 9, 290
3. Ibid., 11, 64
4. Ibid., 11, 198
5. Ibid., 1, 88-90
6. Manu. 8, 209
7. Ibid., 11, 38-40
8. Ibid., 4, 226-27
9. Ibid., 3, 178
10. Ibid., 11, 42

Sacrificial Fires :

The domestic ceremonies and the five sacrifices should be performed by the householder with the sacred fire kindled at the wedding.[1] Moreover on this fire he should cook his food. Neglecting to kindle the sacred fire would amount to the violation of a Guru's bed.[2] A person who has forsaken the sacred fire should not be invited at a Śrāddha.[3] An Āryan who has been initiated should daily offer fuel in the sacred fire.[4] After purifying himself with bathing, he must place fuel on the sacred fire.[5] Both evening and morning, after having brought sacred fuel from a distance, a student should place it anywhere on the ground, and make with it, burnt oblations to the sacred fire. The performance of Avakīriṇī penance is laid down by Manu for a person who does not offer fuel in the sacred fire. A Snātaka should daily offer oblations in the sacred fire. He should mutter sacred texts and offers burnt oblations, will be free from all calamities.[7] A hermit should offer the Agnihotra with three sacred fires.[8] These sacred fires are the Gārhapatya, the Dakṣiṇāgni, the Āhavanīya. He who neglects not those three fires in the form of father, mother and guru enjoys bliss in the heaven.[9] According to Manu a hermit should subsist on roots and fruits after having deposited the three sacred fire in himself with the prescribed rules.[10] A Triṇaciketa, who keeps five sacred fires, is to be considered as the sanctifiers of a company.[11] The kindling of sacred fires was considered as a duty, enjoined on a person by the Śāstras.

Material for Sacrifice :

The essential material for the proper performance of the

1. Manu. 3. 67
2. Ibid., 11, 59-61
3. Ibid., 3, 153
4. Ibid., 2, 108
5. Ibid., 2, 176
6. Ibid., 2, 186-87
7. Manu. 4, 145-46
8. Ibid., 6, 9
9. Ibid., 3, 231-38
10. Ibid., 6, 5, 38
11. Ibid., 3, 185

sacrifice was samidh (faggots), Havis (oblation material), anna (food), paśu (animal) and Soma.

Many trees have been mentioned in the Manusmṛti whose woods were used as fuel in the sacrifices viz., Nyagrodha, Udumbara, Khādira[1] etc. The faggots were to be placed in the altar with the recitation of mantras. Oblations were regularly given to various deities during a sacrifice. These oblations consisted of ājya (clarified butter), barley (Yava), tila (sesumum), rice (Vrīhi), water, milk, roots and fruits. Puroḍāśas were also offered as oblations in the sacrifice. The rice-balls and apūpas also figure in the oblation materials.

Manu has also alluded to the performance of the animal sacrifices. Certain animals like goat, sheep, ram, horse and deer etc., were sacrificed in the honour of deities and their flesh was offered as oblation to these deities. Cow, bull, ox etc., were given as dakṣiṇā to the priests who performed the sacrifices.

Certain liquids were also used in the sacrifices. They were milk, soma, honey, water and clarified butter. Soma-juice was frequently served to gods at the sacrifices.[2]

If the sacrifice of a Brahmin remains incomplete through want of one requisite then he may forcibly take that article from the house of any Vaiśya who possesses a large number of cattles but neither performs the sacrifice nor drinks the soma-juice or he may take two or three articles from the house of a Śūdra; for a Śūdra has no business with sacrifices. A sacrificer may unhesitatingly acquire what is required for sacrifice even from the houses of Brahmins and Kṣatriyas, rich in cattle but do not perform sacrifices. He may take it by force from one who always takes and never gives and who refuses to give it.[3] A Brahmin should never beg from a Śūdra property for a sacrifice. For a sacrificer, having begged it from such man, after death, is born again as Cāṇḍāla. A Brahmin who having begged any property for a sacrifice,

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1. See chapter on Geografical Conditions.
2. See section on Food and Drinks.
3. Manu. 11, 11-15

does not use the whole (for that purpose becomes for hundred years a Bhāṣa or a crow.

In case the prescribed Animal and Soma sacrifices cannot be performed, let him always offer at the change of the year a Vaiśvānarī-Iṣṭi as a penance for the ommission.[1]

Priest :

Priests were employed to perform a sacrifice. An officiating priest was chosen to perform a sacrifice.[2] King should appoint a domestic priest (purohita) and choose officiating priests (Ṛtvik). They shall perform his domestic rites and the sacrifices for which three fires are required.[3] Normally four priests were employed to perform the sacrifice. Their names are the Hotā, the Udagātā, the Adhvāryu and the Brahman. Each one of them was connected with one Veda or the other. Manu indirectly refers to sixteen priests who were required for a very big sacrifice but does not names them.[4] These priests were amply rewarded at the end of the sacrifices.

Sacrificial Fees :

At the successful completion of the sacrifices the priests were given fees (dakṣiṇā) and presents. He should perform sacrifices at which he may give large fees. On no account he should give smaller fees than those prescribed. A Brahmin who, though wealthy, does not give, as fee for the performance of an Agnyādheya, a horse-sacred to Prajāpati, becomes equal to one who has not kindled the sacred fires. A sacrifice at which too small sacrificial fees are given destroys the organs, honour, heaven, longevity, fame, offspring and cattle. Hence a man of small means should not offer a Śrauta sacrifice.[5] If an officiating priest, choses to perform a sacrifice, abandons his work, a share only of the fee in proportion to the work (done) shall be given to him by those who work with him. But

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1. Manu. 11, 24-27
2. Ibid., 8, 206
3. Ibid., 7. 78
4. Manu. 8, 209-10
5. Ibid., 11, 39-40

he who abandons his full share and cause to be performed what remains by another priest. If specific fees are ordained for the several parts of a rite, shall he who performs the part receive them or shall they all share them. The Adhvaryu priest shall take the chariot and also the Brahman, at the kindling of the fire, a horse, the Hotṛ priest shall also take a horse, and Udgātṛ the cart used when the soma is purchased. The four chief priests among all the sixteen who are entitled to one half, shall receive a moiety of the fee, the next four one half of that, the rest entitled to a third share, one-third and those entiled to a fourth, a quarter.[1] A king should offer various sacrifices at which liberal fees are distributed and in order to get merit he shall give enjoyment and wealth.[2]

1. Manu. 8, 206-10
2. Ibid., 7, 79

15

Recapitulations and Conclusion

The main features of the culture and society of Manu's period, can now be summarised. The Brahmanism might have suffered a set back during the ascendancy of Buddhism under the empror Aśoka who embraced Buddhism. Though *Aśoka made Buddhism a state religion* yet he showed respect towards Brahmanism. After his death, the successors could not efficiently manage the affairs of the state. This gave an opportunity to the supporters of Brahmanism to assert their position. With Puṣyamitra, the Commander-in-Chief of Aśoka, inagurating a Brahmin-dynasty, the recovery of the position lost by Brahmanism must have been rapid and its position must have *become one of envy for all under the Guptas. This is reflected* in the rules, regulations, customs, laws and moral philosophy propounded in the literature especially in the Smṛti literature of this period. Now Brahmanism emerged in a new form, most suited to the environments. The indigenous ruling houses of Śuṅgas, Kaṇvas and Śātavāhanas appear to have made it an age of triumphant Brahmanism although with the artisan and *merchants in the Deccan* and with some *foreign rulers* such as the Indo-Greeks and Kuśāṇas, Buddhism seems to have been popular. They (Brahmins) conferred divinity on the kings like the Sythians. They also converted some indigenous kings into zealous champions of the social and political order advocated by the early law-books. Moreover, they gave the final form to the law-book of Manu which not only served as their Magna *Charta but also legalised the wide proliferation* of the caste-system.[1] So "the varṇa structure, under the pressure of economic developments and consequent new value orientation centering round wealth and power, had to accommodate new socio-economic groups within its matrix."[2]

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1. Sharma (R.S.), op. cit., pp. 291-92
2. Bhattacharya (S.C.), op. cit., p. 231

Manu describes the same conventional caste system but due to intercaste marriages, non-performing of their duties and saṁskāras, assimilation of foreigners and adoption of new occupations the four varṇas bifurcated into as many as sixty castes. Some of these castes clearly showed that they obtain their names on account of their occupations, followed by them viz., Cāṇḍāla, Parāsava, Niṣāda etc. The fact that the Brahmins who enjoyed the highest position in the society had to engage in new forbidden occupations, reveals that economic barriers were breaking under the weight of new situations. The Brahmins acquired riches through their position like purohitas, ministers, judges, teachers and also by other low avocations. The Kṣatríyas consolidated their power and finances by acting as kings, administrators, ministers, officials, commanders, warriors etc. The Vaiśyas actively followed the occupations of agriculturists, cattle-breeders, traders, money-lenders and so on. But their position was lower to other higher varṇas. The Śūdras were fast losing their position. It is evidenced by Manu's reference to slaves and bought-slaves forming a part of Śūdra community.

The stability of the economy was evidenced by the various kinds of agricultural crops, gold, silver, copper and other metals, mentioned in the code of Manu. Taxes were levied by the state for providing facilities to its citizens. State had monopoly on certain commodities and the prices of other items were also fixed by it. Manu has recognised the importance of the education in the life of an individual. He has wisely selective in regard to the persons to be educated and the degree to which they may be educated, the special needs of special classes in education as well as the common needs of all, and of the communication of the knowledge, which means power, only to those who will use it not for selfish purposes but for the good of the world. The education thus parted gave equal opportunities for the development of the personality and inculcating of the knowledge of various subjects and arts and sciences. But there was no such division of science and arts. The Brahmins who were supposed to be the custodians of moral culture and knowledge were entrusted with the work of imparting knowledge. Generally no fees were taken from the

students but whosoever thought of it was severely condemned by all and sundry. Simple living and high thinking was the message given to the students. The child was taken to the house of the teacher who did not charge anything for the sake of education. The teacher treated him like his own son and he in turn treated him as his spiritual father who gave him birth by the teaching of Sāvitrī Mantra. The people of this age were well acquainted with astronomy, astrology botany, zoology, medical science and mathematics etc.

The material relating to family, marriage and woman indicates to the presence of joint-family system. The family consisted of many members viz , father, mother, sisters, brothers, uncles etc. They were united and interested in the good of the family. The patriachal family system was followed in those days. So far as marriage is concerned Manu allows a man to marry a maiden of his own varṇa (savarṇā). The Gotra, Pravara, family and physique of both bride and biridegroom was taken into account before settling the marriages. Monogamy and polygamy both were practised in those times. Pratiloma and Anuloma forms of marriages were prevalent. In certain conditions the law-giver even allows levirate and divorce.

Manu also alludes to the funeral rites and Śrāddhas. There are certain rules which give insight into the customs and manners of the Aryans regarding the means of disposal of the corpse, purificatory rites and period of purification.

People were cultured and civilized. They lived in houses of bricks, pables etc. Grāma, Nagara and Janapada are frequently mentioned in the work. The things of daily use like furnitures, dresses, ornaments, food and drinks, utensils are also referred to in the text, so that the people should take more interest in their works. They were entertained by various sports and games, performing arts, dicing, races etc.

The laws of Manu give a detailed description of political life of the period. The political topics like the elements of the state, king and the kingship, his duties and functions, the royal purohita, the ministers, officials, envoys, spies, state economy, art of war, army, weapons are profusely treated by Manu. The Kṣatriyas were destined to become kings and rule over the earth. The welfare of the state also depended upon

the judicious application of Daṇḍa. He was also responsible for law, order and justice. For this he established and prescribed law courts and delivered justice to his people. He punished those judges who out of greed gave wrong judgement and thus malign the name of the king. The accused were given enough opportunity to defend themselves. While delivering the judgement a judge took into consideration the status, the family, the time, the place and motive of the crime. Civil and criminal cases were decided on merits. Witnesses were examined and cross-examined by the juries. Various punishments like capital, corporal were given for henious crimes. Fines and penances were also levied for various offences.

The Manusmṛti also throws light on the religious and philosophical ideas of the age. The origin of universe is very extensively treated by Manu. The Brahman, the Jīva, the three guṇas, the various kind of bodies, karma and transmigration of souls are all discussed but briefly. For moral offences prāyaścittas are laid down. The sacrifices, austerities, self-control, truth etc., are described as bestowers of immense benefit. The modes of worships are also laid down. Temples were also the centres of religious activities.

In conclusion it can be said that the Manu's India, was prosperous in all fields. People had ample to eat, ample to drink and ample material to enrich their hearts and souls.

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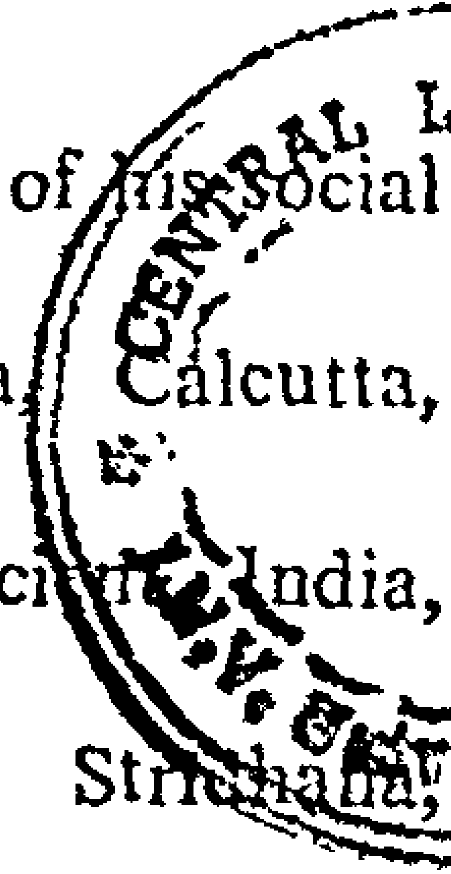
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